

STAFF REPORT

Rezoning #21CZ02 Abbey Spring PUD

March 23, 2021 Town Council Meeting



**** Since the Town Council Agenda went out, the applicant has provided amended conditions. Deletions are shown with strikethrough and additions are shown in bold text.**

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

BACKGROUND INFORMATION:

Location: 0 W. Williams Street

Applicant/Agent: Isabel Worthy Mattox, Mattox Law Firm

Owner: Lidl US Operations, LLC

PROJECT DESCRIPTION:

Acreage: ±5.01 acres

PIN: 0742026247

Current Zoning: Planned Unit Development-Conditional Use (PUD-CU #02CU13)

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

2045 Land Use Map Designation: High Density Multifamily/Commercial Services (A)

Town Limits: Inside

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Planned Unit Development-Conditional Use (PUD-CU #02CU13)	Retail (Walgreens)
South:	High Density Single Family-Conditional Use (HDSF-CU #94CU10); Office & Institutional (O&I)	Amherst Single Family Subdivision; Post Office
East:	Planned Unit Development-Conditional Use (PUD-CU #02CU13)	W. Williams Street; Funeral Home
West:	High Density Multi-Family-Conditional Use (HDMF-CU #01TRZ08/#97CU16) & Office & Institutional-Conditional Use (O&I-CU #97CU16)	Glen Arbor Townhomes; Spring Arbor Nursing Home

EXISTING CONDITIONS:

The property is on the west side of West Williams Street, south of Olive Chapel Road and north of Bryan Drive. The property was previously cleared and currently is vacant.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on December 15, 2020. The neighborhood meeting report is attached.

2045 LAND USE MAP:

The 2045 Land Use Map designates the subject property as High Density Multifamily/Commercial Services (A). The proposed PUD is consistent with the Land Use Map designation.



PLANNED UNIT DEVELOPMENT PLAN:

The applicant is proposing a Planned Unit Development Plan with uses and development standards as follows:

Permitted Uses:

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

1. Age Restricted Multi-Family or Apartment meeting the federal definition of elderly housing, having at least eighty percent (80%) of the occupied units occupied by at least one person fifty-five (55) or older per unit. **No permanent residents shall be younger than forty-five years old.**

The allowed residential uses must meet the requirements of the Section 42 of the Internal Revenue Code ("Code") or a substantially equivalent form of affordable rental housing. ~~100% of the~~ **The dwelling units developed on the property must meet this requirement. Accordingly, rents shall be set at a price that on average is affordable to a household with an annual income that is no greater than 60% of the Area Median Income for the respectively-sized household in the Raleigh, NC MSA, as determined by the United States Department of Housing and Urban Development (HUD) at the time of move-in.*

Proposed Design Controls:

Density

The PD Plan proposes an overall maximum residential density of 17 dwelling units per acre.

Height

Residential three (3) stories; 48 feet

The maximum building height shall be:

- **three (3) stories with no ground level/underground parking; maximum 48 feet or**
- **two (2) stories, plus ground level/underground parking; maximum 48 feet.**

Certain architectural elements (project identify features, towers, spires, etc.) may surpass this height limit with Town approval as part of the site plan review process.

Maximum Building Size

The building shall not exceed ninety-six thousand (96,000) square feet in the aggregate.

Minimum Setbacks:

Current PUD-CU Setbacks:

Front- 20'

Side- 15' office & 20' commercial

Rear- 20'

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Proposed setbacks:

North (Walgreens)

Vehicle Use Areas: 5' **10'** from established buffers

Buildings: 5'-**10'** from established buffers

Retaining Walls: 10' from established buffers

West (Glen Arbor)

Vehicle Use Areas: 5' from established buffers

Buildings: 5' from established buffers

Retaining Walls: 5' from established buffers

South (Amherst)

Vehicle Use Areas: 15' from established buffers

Buildings: 15' from established buffers

Retaining Walls: 5' from established buffers

Buffers

The proposed PUD meets or exceeds the buffers required by the UDO.

Perimeter Buffers:	UDO Required	Proposed
Southern property boundary	15' Type A	40' Type A*
Western property boundary	15' Type A	20' Type A
W. Williams Street	30' Type B	30' Type B

*** Such buffers shall be in compliance with the Apex UDO, however fencing may not be used to meet the opacity requirements set forth therein.**

Built Upon Area

The proposed maximum built upon area is less than 70%.

Resource Conservation Area

The current PUD provides for 2.29 acres of RCA over the entire 13.28 acres within the Town Center Commons rezoning case (#02CU13). The current RCA requirement on this parcel is approximately 60,000 square feet. The applicant will maintain at least 62,162 square feet (1.45 acres) of RCA, consistent with UDO Section 8.1.2.B.1.i., to include any areas that are disturbed to be replanted and counted as RCA.

Planting and Landscaping:

- Biodiversity- The project will promote biodiversity through: (i) planning pollinator-friendly flora; and planting native flora.
- Green Infrastructure- The project will provide diverse and abundant pollinator and bird food sources (e.g., nectar, pollen, and berries blooming plants) that bloom in succession from spring to fall.
- Garden- The development will include a community garden and or a native pollinator demonstration garden.
- Drought Resistance- The development will include landscaping that requires less irrigation and chemical use and warm season grasses that facilitate drought resistance.

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- Trees- The development will increase the number of native hardwood tree species to at least 3 species.
- Pet Waste Stations- The development will include pet waste stations.
- Signage- The development will include signage identifying environmentally sensitive areas.

Parking

The applicant is requesting a reduction in the required parking since the project is age restricted (senior) apartments. The parking shall be 1.1 space per dwelling unit which is similar to the ratio required for congregate living facilities. The requested reduction is based on the applicant's experience with similar developments in the region and the planned transit stop that will be in close walking distance.

To facilitate a building layout which is ADA accessible and accommodates cross access and environmentally sensitive areas, more than fifty percent (50%) of parking shall be allowed between the building and the street.

Transit

It is anticipated that the Town of Apex will install a new bus stop for GoApex Route 1 in front of the United States Post Office on West Williams Street. This is a funded project with designs approved by NCDOT. The approved design includes an amenity pad, bench, and other improvements, with room for a future shelter. If the Town has completed those improvements prior to the completion of the proposed development, the applicant shall construct the following at the new bus stop: shelter, trash receptacle. These improvements would be made within the existing right of way prior to the issuance of a CO for the development.

Architectural Standards

The building scale and mass for this multifamily community will reflect the residential scale and character of traditional Apex architecture. Building materials to be used for the apartments shall include a variety and diversity of colors, textures, and features provide unique character while still maintaining a level of consistency and compatibility with the Apex style. Further detailing shall be provided at the time of site plan submittal.

The scale of new structures will be appropriate to the building type and will also relate appropriately to adjacent land uses. Apartment structures will be in scale with proposed retail development adjacent to those uses. Height, mass, form and roof configurations will be given particular attention as elements of scale. The main exterior building materials are brick and vinyl lap siding, with accent vinyl vertical siding. Awnings, gable vents, Juliet balconies, a cupola and accent metal roofing will be included to add variation and interest throughout the building. The building design will also feature a rear porch, a porte cochere and a balcony with seating, **which shall be attached or adjacent to the main building.**

Various architectural and landscape street elements will be incorporated to enhance the traditional character and walkability of the community. These elements may include patios, railings, benches, lighting, entry features, lawn areas and open space.

This building will be built to the Energy Star Multifamily New Construction Program standards. This

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includes items that will be built to a higher standard of efficiency, including: energy efficient lighting and appliances, Energy Star windows, higher resistance envelope insulation (it will be at least R-15 for walls) and higher efficiency HVAC. The design will also include light sensors for exterior lighting and movement sensors for interior common area lighting.

Lighting shall be restricted to minimize impact of neighboring residential properties as follows:

- 1. Light poles for pole-mounted lights shall not exceed twenty-five feet (25');**
- 2. Pole-mounted light fixtures shall be full cutoff; and**
- 3. No light poles shall be installed in Type A buffers.**

To address neighborhood concerns, the following shall be required:

- 1. All stairwells will be fully enclosed and shall require soft-close security doors exiting to the outside.**
- 2. No exterior automated teller machines shall be permitted.**
- 3. No drive-through window service shall be permitted for the delivery or pick-up of products.**
- 4. No balconies shall be permitted on individual units other than Juliet balconies.**
- 5. The trash dumpster must be located at least sixty (60) feet from the south boundary line where the site adjoins the Amherst neighborhood.**
- 6. No playground shall be permitted.**

Public Facilities:

The project's construction will consist of the extension of public facilities to serve the site. All public facilities and infrastructure shall comply with the Town of Apex Sewer and Water Master Plans and the Town of Apex Standards and Specifications. The proposed development will connect to the existing services in the Williams Street right-of-way.

STORMWATER MANAGEMENT:

Currently, there is a stormwater pond serving the adjacent Walgreens development to the north. It is anticipated that the proposed development will include a shared SCM which will serve both sites. The post-development on-site stormwater discharge rate for the development shall not exceed the pre-development rate. Quantity measures for stormwater management will be designed for the 1-year, 24-hour and the 10-year, and 25-year, 24-hour design storms. Stormwater management for the entire site will be managed through the use of above ground or underground Stormwater Control Measures (SCMs) to achieve both quantity and quality requirements.

The project proposes the installation of signage nears SCMs, whether above ground or underground in order to: (i) reduce pet waste; and (ii) eliminate fertilizer near SCM drainage areas.

APEX TRANSPORTATION PLAN/ACCESS and CIRCULATION:

The proposed PUD is consistent with the Apex Transportation Plan. The proposed development will have access to both W. Williams Street and Olive Chapel Road through joint access drives to the Walgreens development to the north. An additional southbound lane and a 10' wide side path will be added along W. Williams Street. A pedestrian path will be constructed to connect to the Walgreens to the north. **At the request of the adjacent residential neighborhoods, no cross access will be provided to either the Glen Arbor Townhome community or the Amherst subdivision.**

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A 24' vehicular cross-access easement within a 34' driveway construction easement shall be provided from the joint access driveway with Walgreens identified as PIN 0742025548 to the joint property line with the United States Postal Service property to the south identified as PIN 0742 01 8833. The site will be designed to accommodate the possible future extension of a driveway to the adjoining property to the south. No physical cross access improvements will be built as part of the initial development of the property for affordable senior housing. Any parking spaces located within the easement shall count toward parking requirements and any area of the easement outside of the parking lot shall count toward the Resource Conservation Area (RCA) requirement. Any RCA area within the easement, not including buffers, shall not be required to be planted to a specific standard. Any parking spaces removed through the construction of the cross-access easement in the future would need to be replaced by the entity installing the cross access easement.

CONSISTENCY WITH THE DOWNTOWN MASTER PLAN AND AFFORDABLE HOUSING PLAN:

The proposed rezoning is located within the area included in the Apex Downtown Master Plan which was adopted in December 2019 and which provides a vision to guide development in and around downtown. Expanding housing options including mixed-income and senior-friendly housing near downtown is a key goal of the plan. The proposed rezoning is located less than a mile from the heart of downtown.

The Apex Affordable Housing Plan adopted in February 2021 identified several issues affecting housing affordability which is made up of many distinct but related factors including the supply and diversity of available housing, the accessibility of homeownership, and the availability of housing and services to meet the needs of all residents including seniors, adults with disabilities, and households that rely on public transit. Regarding needs, the Affordable Housing Plan identified an existing gap of 2,000 rental units available to households earning less than \$40,000 per year, a gap that is expected to increase over time, and noted there are very limited options for seniors wishing to age in place. In addition, the plan explains that Apex does not have a proportional share of the region's subsidized rental housing. Due primarily to high land costs and limited access to transit. Finally, Apex's housing stock has a larger share of single family homes and smaller share of small and large multifamily developments than the Wake County housing stock as a whole.

To address these needs, the Affordable Housing Plan recommends planning for affordable housing near transit routes and prioritizing gap financing to assist with projects utilizing the Low Income Housing Tax Credit Financing Program. The Plan stresses that priority should be focused on getting new units on the ground and preserving existing affordable units. As a starting point, the Plan suggests using 300 subsidized units developed or in development within five years as a measure of success. The proposed rezoning is crucial step in the goal of the Abbey Springs project to provide an anticipated 84 subsidized units, targeting seniors, with income restrictions, adjacent to a transit stop. The goals of the rezoning directly align with the most pressing needs and highest-priority recommendations in the Affordable Housing Plan.

ENVIROMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on December 17, 2020. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

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EAB Suggested Condition	Applicant's Response
Install signage near environmental sensitive areas in order to: <ul style="list-style-type: none">• Reduce pet waste near SCM drainage areas; and• Eliminate fertilizer near SCM drainage areas.	Added
Increase biodiversity: Plant pollinator-friendly flora	Added
Increase the number of native hardwood tree species planted to 3, preferably 4	The development will increase the number of native hardwood tree species to at least 3
Install pet waste stations	Added
Follow the Energy Star Multifamily New Construction program	Added
Include energy efficient lighting in building design	Added
Install exterior daylight timers and interior motion sensors for lighting	Added

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:

The Parks, Recreation, and Cultural Resources Advisory Commission reviewed the Abbey Spring project at the February 24, 2021 meeting. The Commission made a unanimous recommendation for a fee-in-lieu of dedication.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a Public Hearing on March 8, 2021 and voted to recommend approval, with the conditions as offered by the applicant, by a vote of 5-1.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of rezoning #21CZ02 Abbey Spring PUD with the conditions as proposed by the applicant.

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 subject property as High Density Multifamily/Commercial Services (A). The proposed PUD is consistent with those land use classifications.

The proposed rezoning is reasonable and in the public interest because the rezoning will allow the project to be developed as a residential use that will help support the existing non-residential uses in the area. Additionally, the PUD requires that the residential be affordable senior housing. The proximity of this site to shopping and future transit make it an ideal location for senior affordable housing. This is in keeping with the goals of Advance Apex and the Apex Affordable Housing Plan.



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 2030 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 ten percent (10%) provided that the PD Plan for PUD-CZ includes one or more of the following:
 - (i) A non-residential component; or
 - (ii) An overall density of 7 residential units per acre or more; or
 - (iii) Environmental measures including but not limited to the following:
 - (a) The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;
 - (b) The installation of a geothermal system for a certain number or percentage of units within the development; or
 - (c) Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).
- d) *Landscaping.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates



attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.

- e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.
- f) *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision* and Article 14: *Parks, Recreation, Greenways, and Open Space*.
 - (i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.
 - (ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.
 - (iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.
 - (iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.
- g) *Natural resource and environmental protection.* The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.
- h) *Storm water management.* The PD Plan shall demonstrate that the post-development rate of on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.



- i) *Phasing.* The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.
- j) *Consistency with 2045 Land Use Map.* The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town's 2030 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 PUD-CZ designation demonstrates compliance with the following standards. Sec. 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 2030 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 2030 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.



Rezoning #21CZ02

Hunter Valley

Fairview Road

Gablefield Ln

Olive Chapel Rd

W Williams St

Walgreens

Hunter St

Spring Gate Ct

Spring Arbor Ct

Glen Arbor

Arbor Valley Ln

W Chatham St

Bristol Blue St

Amherst

Tranter Dr

Bryan Dr

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 #: 2021-002
Fee Paid: \$ 500.00

Submittal Date: 1/4/2021
Check #: 5074

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Abbey Spring
Address(es): 0 W. Williams Street, Apex, NC 27502
PIN(s): 0742026247

Acreage: 5.01
Current Zoning: PUD-CU Proposed Zoning: PUD-CZ

Current 2045 LUM Designation: _____

Requested 2045 LUM Designation: _____

See next page for LUM amendment

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

Area classified as mixed use: Acreage: _____

Area proposed as non-residential development: Acreage: _____

Percent of mixed use area proposed as non-residential: Percent: _____

Applicant Information

Name: Isabel Worthy Mattox, Mattox Law Firm
Address: 127 W. Hargett Street, Suite 500
City: Raleigh State: NC Zip: 27601
Phone: 919-828-7171 E-mail: Isabel@mattoxlawfirm.com

Owner Information

Name: Lidl US Operations, LLC
Address: HQ Real Estate Department, 3500 S. Clarke Place
City: Arlington State: VA Zip: 22202-4033
Phone: _____ E-mail: _____

Agent Information

Name: Isabel Worthy Mattox, Mattox Law Firm
Address: 127 W. Hargett Street, Suite 500
City: Raleigh State: NC Zip: 27601
Phone: 919-828-7171 E-mail: Isabel@mattoxlawfirm.com

Other contacts: Timothy G. Morgan, VP
Evergreen Construction Company
7706 Six Forks Road, Raleigh, NC 27615

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: _____

Submittal Date: _____

2045 LAND USE MAP AMENDMENT (if applicable)

The applicant does hereby respectfully request the Town Council amend the 2045 Land Use Map. In support of this request, the following facts are shown:

The area sought to be amended on the 2045 Land Use Map is located at:

Current 2045 Land Use Classification: _____

Proposed 2045 Land Use Classification: _____

What conditions justify the passage of the amendment to the 2045 Land Use Map? Discuss the existing use classifications of the subject area in addition to the adjacent land use classifications.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 2021-002


Submittal Date: 1/4/21

Provide a certified list of property owners subject to this application and all property owners within 300' of the subject property and HOA Contacts.

	Owner's Name	PIN
1.	See list attached as Exhibit B.	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

I, Isabel Worthy Mattox, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

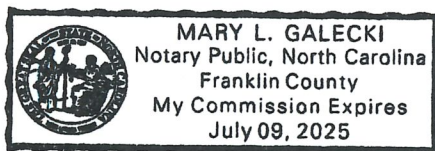
Date: December 16, 2020

By: 

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me this the 16th day of December, 2020 by Isabel Worthy Mattox.

SEAL



Mary L. Galecki
Notary Public

Mary L. Galecki
Print Name

My Commission Expires: July 9, 2025

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 2021-002

Submittal Date: 1/4/21

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500*

Purpose

To provide a consistent and clearly stated procedure for the naming of subdivisions and/or developments and entrance roadways (in conjunction with *Town of Apex Address Policy*) so as to allow developers to define and associate the theme or aesthetics of their project(s) while maintaining the Town's commitment to preserving the quality of life and safety for all residents of Apex proper and extraterritorial jurisdiction.

Guidelines

- ✓ The subdivision/development name shall not duplicate, resemble, or present confusion with an existing subdivision/development within Apex corporate limits or extraterritorial jurisdiction except for the extension of an existing subdivision/development of similar or same name that shares a continuous roadway.
- ✓ The subdivision/development name shall not resemble an existing street name within Apex corporate limits or extraterritorial jurisdiction unless the roadway is a part of the subdivision/development or provides access to the main entrance.
- ✓ The entrance roadway of a proposed subdivision/development shall contain the name of the subdivision/development where this name does not conflict with the Town of Apex *Road Name Approval Application* and *Town of Apex Address Policy* guidelines.
- ✓ The name "Apex" shall be excluded from any new subdivision/development name.
- ✓ Descriptive words that are commonly used by existing developments will be scrutinized more seriously in order to limit confusion and encourage distinctiveness. A list of commonly used descriptive words in Apex's jurisdiction is found below.
- ✓ The proposed subdivision/development name must be requested, reviewed and approved during preliminary review by the Town.
- ✓ A \$500.00 fee will be assessed to the developer if a subdivision/development name change is requested after official submittal of the project to the Town.*

*The imposed fee offsets the cost of administrative changes required to alleviate any confusion for the applicant, Planning staff, other Town departments, decision-making bodies, concerned utility companies and other interested parties. There is no charge for the initial name submittal.

Existing Development Titles, Recurring

	Residential	Non-Residential
10 or more	Creek, Farm(s), Village(s),	Center/Centre
6 to 9	Crossing(s), Park, Ridge, Wood(s)	Commons, Park
3 to 5	Acres, Estates, Glen(s), Green*, Hills	Crossing(s), Plaza, Station, Village(s)

*excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 2021-002

Submittal Date: 1/4/21

Proposed Subdivision/Development Information

Description of location: 0 W. Williams Street; 5.01 Acre Parcel; New McIver Parcel BM2006-02021

Nearest intersecting roads: W. Williams Street and Olive Chapel Road

Wake County PIN(s): 0742026247

Township: White Oak

Contact Information (as appropriate)

Contact person: Isabel Worthy Mattox, Mattox Law Firm

Phone number: (919) 828-7171 Fax number: N/A

Address: 127 W. Hargett Street, Suite 500, Raleigh, NC 27601

E-mail address: Isabel@mattoxlawfirm.com

Owner: Lidl US Operations, LLC

Phone number: _____ Fax number: _____

Address: HQ Real Estate Department, 3500 S. Clark Place, Arlington, VA 22202

E-mail address: c/o Isabel Worthy Mattox email: Isabel@mattoxlawfirm.com

Proposed Subdivision/Development Name

1st Choice: Abbey Spring

2nd Choice (Optional): _____

Town of Apex Staff Approval:

Town of Apex Planning Department Staff

Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 2021-002

Submittal Date: 1-4-21

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

0 W. Williams Street

PIN 0742026247 (Real Estate ID #0036171)

(the "Premises")

The Town of Apex offers to provide you with electric utilities on the terms described in this Offer & Agreement. If you accept the Town's offer, please fill in the blanks on this form and sign and we will have an Agreement once signed by the Town.

Evergreen Construction Co., the undersigned customer ("Customer") hereby irrevocably chooses and selects the Town of Apex (the "Town") as the permanent electric supplier for the Premises. Permanent service to the Premises will be preceded by temporary service if needed.

The sale, delivery, and use of electric power by Customer at the Premises shall be subject to, and in accordance with, all the terms and conditions of the Town's service regulations, policies, procedures and the Code of Ordinances of the Town.

Customer understands that the Town, based upon this Agreement, will take action and expend funds to provide the requested service. By signing this Agreement the undersigned signifies that he or she has the authority to select the electric service provider, for both permanent and temporary power, for the Premises identified above.

Any additional terms and conditions to this Agreement are attached as Appendix 1. If no appendix is attached this Agreement constitutes the entire agreement of the parties.

Acceptance of this Agreement by the Town constitutes a binding contract to purchase and sell electric power.

Please note that under North Carolina General Statute §160A-332, you may be entitled to choose another electric supplier for the Premises.

Upon acceptance of this Agreement, the Town of Apex Electric Utilities Division will be pleased to provide electric service to the Premises and looks forward to working with you and the owner(s).

ACCEPTED:

CUSTOMER: Evergreen Construction Company

TOWN OF APEX

BY: ** signature to follow at later date **
Authorized Agent

BY: _____
Authorized Agent

DATE: _____

DATE: _____

AGENT AUTHORIZATION FORM

Application #: 2021-002

Submittal Date: 1/4/21

Lidl US Operations, 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 W. Williams Street

The agent for this project is: _____

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

Agent Name: Isabel Worthy Mattox, Mattox Law Firm




Address: 127 W. Hargett Street, Suite 500, Raleigh, NC 27601

Telephone Number: 919-828-7171

E-Mail Address: Isabel@mattoxlawfirm.com

Signature(s) of Owner(s)*

See Signature Page of Owner attached as Exhibit C

	Type or print name	Date
		
Connor P. Deane	NICHOLAS V. CACACI	1/11/21
	Sr. Director DE	
	Type or print name	Date
	DIRECTOR OF REAL ESTATE	

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 #: 2021-002

Submittal Date: 1-4-21

The undersigned, Lidl US Operations, LLC (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 W. Williams Street, 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 May 10, 2016, and recorded in the Wake County Register of Deeds Office on May 13, 2016, in Book 16383 Page 2673.
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 May 13, 2016, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on May 13, 2016, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 11th day of January, 2021.

LIDL US OPERATIONS, LLC, a Delaware limited liability company

By: [Signature]
 Name: Amos P. Berry
 Title: Sr. Director Real Estate

By: [Signature]
 Name: Nicholas V. Cacaci
 Title: Director of Real Estate

Notary Acknowledgement Follows

NOTARY ACKNOWLEDGEMENT
Affidavit of Ownership

STATE OF Virginia
COUNTY OF Arlington

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



[NOTARY SEAL]

Kimberlee Ann Moore Today's date: 1/11/2021
Notary Public
State of Virginia
My Commission Expires: 7/31/2022

STATE OF Virginia
COUNTY OF Arlington

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

[NOTARY SEAL]



Kimberlee Ann Moore Today's date: 1/11/2021
Notary Public
State of Virginia
My Commission Expires: 7/31/2022

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: _____

Submission Date: _____

Insert legal description below.

Lying and being in White Oak Township, Wake County, North Carolina and being more particularly described as follows:


BEGINNING at an existing iron pipe being the common corner of the property owned by Yorktown 1031 LLC (now or formerly) as described in that instrument recorded in Book 12433, Page 1977 and shown on Book of Maps 2006, Page 2021 and in the eastern boundary line of property owned by Spring Arbor of Apex Limited Partnership(now or formerly) as described in that instrument recorded in Book 8326, Page 2273 in the Wake County Public Registry, said existing iron pipe being located South 76° 54' 27" East 15,634.31 feet from N.C.G.S. Monument "Roger" having NAD 83 (2011) North Carolina State Plane Grid Coordinates N=726,051.44 feet and E=2,025,090.57 feet, with a combined grid reduction factor of 0.99989851; thence with the southern boundary of aforesaid property the following nine (9) courses and distances: (1) South 48° 42' 02" East 68.33 feet to an existing PK Nail and (2) South 81 ° 1 O' 51" East 146.59 feet to an existing iron pipe and (3) North 72° 23' 18" East 30.41 feet to an existing iron pipe and (4) North 79° 49' 28" East 27.92 feet to an existing iron pipe and (5) South 81 ° 09' 41" East 85.26 feet to an existing iron pipe and (6) North 08° 43' 00" East 39.03 feet to an existing iron pipe and (7) South 81 ° 09' 41" East 110.63 feet to an existing iron pipe and (8) North 84° 13' 18" East 47.23 feet to an existing iron pipe and (9) North 69° 35' 51" East 16.32 feet to a computed point on the western margin of West Williams Street (also known as NC Highway 55) having a 100 foot public right-of-way; thence with the western margin of the right-of-way of aforesaid street the following three (3) courses and distances: (1) with a curve to the right having a radius of 2939.35 feet and an arc length of 45.23 feet, having a chord of South 21 °42' 13" East 45 .23 feet to a computed point and (2) South 21 ° 13' 50" East 5. 77 feet to an computed point and (3) South 21 ° 18' 22" East (passing an iron pipe at 349.04 feet) for a total distance of 381.23 feet to an existing iron pipe being the common corner of the property owned by the United States Postal Service as described in that instrument recorded in Book 3972, Page 16 in that aforesaid Registry; thence leaving aforesaid street and following the northern boundary of aforesaid property North 85° 42' 33" West 280.39 feet to an existing iron pipe, continuing with aforesaid property North 85° 38' 49" West 155.03 feet to an existing iron pipe marking the northeast corner of the property owned by Don E. Thomas (now or formerly) as described in that instrument recorded in Book 6803, Page 244 in that aforesaid Registry; thence with the northern boundary of aforesaid property North 85° 32' 28" West 69.92 feet to an existing iron pipe marking the northwest corner of aforesaid property and the northeast corner of property owned by Jane F. Seeger (now or formerly) as described in that instrument recorded in Book 15602, Page 1601 in that aforesaid Registry; thence with the northern boundary of aforesaid property North 85° 41' 13" West 155 .09 feet to an existing iron pipe marking the northwest property corner of aforesaid property and marking the northeast corner of property owned by Michael Herbert (now or formerly) as described in that instrument recorded in Book 15146, Page 1573 in that aforesaid Registry; thence with the northern boundary of aforesaid property North 84° 58' 20" West 27.53 feet to an existing railroad rail marking the southeast corner of property owned by Glen Arbor Townhome Associations Inc. (now or formerly) as described in that instrument recorded in Book 9747, Page 2515 in that aforesaid Registry; thence with eastern boundary of aforesaid property North 02° 05' 59" East 277.43 feet to an existing iron pipe marking the northeast corner of the aforesaid property and marking the southeast corner of the property owned by Spring Arbor of Apex Limited Partnership (now or formerly) as described in that instrument recorded in Book 8326, Page 2273 in that aforesaid Registry; thence with the eastern boundary of aforesaid property North 02° 09' 12" East 107.66 feet to the POINT OR PLACE OF BEGINNING, containing 5.00 acres, more or less, as shown on survey titled "ALT AI ACSM Land Title Survey of Lands For: MOP Retail Consulting, LLC, West Williams Street (aka: NC Highway 55), dated March 18, 2015, and prepared by Michael D. Case of SEPI Engineering & Construction, N.C.P.L.S. No. L-2828.


BEING part of the property conveyed to Mciver Family Holdings, a North Carolina limited liability company, by deed dated December 28, 2000 and recorded in Book 8770, Page 92 in the aforesaid Registry.

EXHIBIT C

SIGNATURE PAGE OF PROPERTY OWNER
PD Plan Amendment Application – Town of Apex
Property: 0 W. Williams Street, Apex, NC 27502

LIDL US OPERATIONS, LLC, a Delaware limited liability company

By: 
Name: Connor P. George
Title: Sen. Dir. of Real Estate

By: 
Name: Nicholas V. Cacace
Title: Director of Real Estate

Date: 1/11/21



Wake County Residential Development Notification

Developer Company Information	
Company Name	Evergreen Construction Company
Company Phone Number	919-848-2041
Developer Representative Name	Evergreen Construction Company, Timothy G. Morgan
Developer Representative Phone Number	919-848-2041
Developer Representative Email	Tim@eccmgt.com

New Residential Subdivision Information	
Date of Application for Subdivision	January 2021
City, Town or Wake County Jurisdiction	Town of Apex; White Oak Township
Name of Subdivision	Abbey Spring
Address of Subdivision (if unknown enter nearest cross streets)	0 W. Williams Street, Apex, NC 27502
REID(s)	0036171
PIN(s)	0742026247

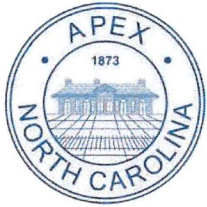
Projected Dates Information	
Subdivision Completion Date	December 2023
Subdivision Projected First Occupancy Date	January 2024

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family																	
Townhomes																	
Condos																	
Apartments	84																
Other																	

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

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

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



Instruction Packet and Affidavit for Neighborhood Meetings

Town of Apex
Planning Department
PO Box 250
Apex, NC 27502

T: 919-249-3426

F: 919-249-3338

This packet consists of instructions and templates for conducting a required Neighborhood Meeting. Planning Department staff are available to advise you in the preparation of these materials. Call the Planning Department at (919) 249-3426 for more information.

WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

A neighborhood meeting is a required form of community outreach to receive initial feedback regarding certain project types prior to submittal to the Planning Department per the standards found in UDO Sec. 2.2.7. The intention of the meeting is to initiate neighbor communication and identify issues and concerns early on and provide the applicant an opportunity to address neighbor concerns about the potential impacts of the project prior to submitting an application. A neighborhood meeting is valid for six (6) months prior to the submission of an application; a delay in submission requires a new neighborhood meeting.

WHEN IS A NEIGHBORHOOD MEETING REQUIRED?

- Rezoning (including Planned Unit Developments);
- Major Site Plans;
- Residential Master Subdivision Plans (excluding exempt subdivisions); or
- Special Use Permits

INSTRUCTIONS

Prior to submitting an application for a Rezoning, Major Site Plan, residential Master Subdivision Plan (excluding exempt subdivisions), or Special Use Permit, the applicant must conduct at least one (1) Neighborhood Meeting. The applicant shall submit all forms included in this packet with the initial application submittal.

The Neighborhood Meeting must be held in accordance with the following rules:

These groups and individuals must be invited to the meeting:

- The applicant is required to notify the Planning Department, all property owners within 300 feet of the subject property, and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the neighborhood meeting, not including the day of mailing. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the applicant and the neighbors.
- The applicant shall include with the meeting notice a vicinity map in addition to either the existing zoning map of the area or preliminary plans of the proposed development (see Handout requirements below).

The meeting must be held within specific timeframes and meet certain requirements:

- The meeting must be held for a minimum of two (2) hours, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period. The meeting cannot be held on a Town recognized holiday (which coincide with the State of North Carolina recognized holidays).
- The meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application.
- A sign-in sheet must be used in order to verify attendance. Ensure each attendee signs in. Please note if any person(s) refuses to sign in. Note if no one attended.
- Handout requirements:
 - For rezonings (excluding rezonings to PUD-CZ, TND-CZ and MEC-CZ), a vicinity map and existing zoning map of the area must be provided to help facilitate discussion.
 - For rezonings to PUD-CZ, TND-CZ and MEC-CZ; Major Site Plans; residential Master Subdivision Plans; and Special Use Permits, preliminary plans of the proposed development must be available at the meeting to help facilitate discussion. Neighbors may request emailed/mailed copies of the maps or plans from the applicant by checking the “send plans” box on the sign-in sheet; applicant shall provide reduced copies upon request.
 - Printed copies must equal the number of notices required to be sent.
 - Contact information for the applicant’s representative and Town Staff must be provided on the attached “Project Contact Information” form.
 - “Common Construction Issues & Who to Call” sheet (attached) must be included as part of the handout.
 - A copy of the handout must be included as part of the Neighborhood Meeting report.
- The agenda of the meeting shall include:
 - Explanation of all processes the meeting is being held for (rezoning, subdivision, etc.).
 - Explanation of future meetings (additional neighborhood meetings, Planning Board, Town Council, etc.).
 - Explanation of development proposal – uses and conditions for rezonings, layout for subdivision and site plans, and builder/end user if known/public knowledge.
- Questions or concerns by attendees, and responses by the applicant, if any, must be noted. Provide blank comment sheets or notecards for neighbors to submit written comments. The applicant shall also include any questions and concerns received via written correspondence (such as email) or phone call along with responses provided by the applicant.
- The applicant shall be responsible for notifying any neighbors who check the “Send Plans & Updates” box on the sign-in sheet of any additional neighborhood meetings and the actual submittal date to the Town with a link to the Town of Apex’s Interactive Development Map.

For accountability purposes, please submit the following with your application:

- A copy of the letter mailed to neighbors and neighborhood organizations (use attached invitation template);
- A list of those persons and neighborhood organizations invited to the meeting;
- A copy of the sign-in sheet (use attached sign-in sheet template);
- A summary of the meeting and a list of any changes made to the project as a result of the neighborhood comments (use attached meeting summary template);
- The affidavit, signed, dated, and notarized (use attached affidavit template); and
- One reduced copy of the maps and/or plans presented to the neighbors at the Neighborhood Meeting.

NOTICE OF NEIGHBORHOOD MEETING

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

December 4, 2020

Date

Dear Neighbor:

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

0 W. Williams Street, Apex, NC 27502

0742026247

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. 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 www.apexnc.org.

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

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

*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

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

Estimated submittal date: January 4, 2021

MEETING INFORMATION:

Property Owner(s) name(s): Lidl US Operations, LLC

Applicant(s): Isabel Worthy Mattox, Mattox Law firm

Contact information (email/phone): Isabel@mattoxlawfirm.com; 919-828-7171

Meeting Address: See attached meeting notice letter dated December 4, 2020

Date of meeting**: December 15, 2020

Time of meeting**: 5:00 pm

MEETING AGENDA TIMES:

Welcome: 5:00 pm Project Presentation: 5:15 pm Question & Answer: 5:45 pm

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

MATTOX LAW FIRM

Telephone (919) 828-7171

Isabel Worthy Mattox
Isabel@mattoxlawfirm.com
Matthew Joel Carpenter
Matthew@mattoxlawfirm.com

December 4, 2020

TO ALL ADDRESSEES:

RE: **NOTICE OF MEETING** Regarding Proposed Rezoning Application of:

0 W. Williams Street, Apex, NC 27502 (5.01 acres) (PIN 0742026247)
Book 16383, Page 2673, owned by LIDL US Operations, LLC, a Delaware
limited liability company (the "Rezoning Property")

Dear Property Owners:

You are invited to a neighborhood meeting to review and discuss the development proposal for the above-referenced Property in accordance with the Town of Apex Unified Development Ordinance and Electronic Neighborhood Meeting procedures. The Neighborhood Meeting is intended as a way for the applicants to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town of Apex. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. Once an application has been submitted to the Town of Apex, it may be tracked using the [Interactive Developments Map](#) or the [Apex Development Report](#) located on the Town of Apex website at www.apexnc.org. If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

In accordance with the requirements of the Town of Apex Unified Development Ordinance, notice is hereby given to you as the owner of the Rezoning Property, or the owner of property within 300 feet of the Rezoning Property, of a meeting to discuss the prospective rezoning to be held remotely **via Zoom on Tuesday, December 15, 2020, at 5:00 PM.**

You can join the meeting in any of the following ways:

1. Type the following URL into your internet browser: <https://us02web.zoom.us/j/86452781121>
2. Email Matthew Carpenter at Matthew@mattoxlawfirm.com and receive an e-mail invitation.
3. Call in to the meeting at **929-205-6099** and enter meeting ID: **864 5278 1121**.

To ensure that we are able to address as many questions as possible, please submit questions via email to Matthew@mattoxlawfirm.com prior to the meeting. The meeting will include an introduction, answers to submitted questions, and followed by a general question and answer session. To aid in your participation in the meeting, please find attached a GIS site location and aerial photograph of the Rezoning

All Addressees
December 4, 2020
Page 2 of 2

Property, a zoning map of the Rezoning Property, and Town of Apex Notice of Electronic Neighborhood Meeting information.

If you plan to attend the meeting, please email Matthew Carpenter with your name and the address of your property either before or after the meeting. Your email response will allow us to assemble an accurate attendance roster.

If the Rezoning Application is filed as now planned in January, it will be vetted by Town of Apex staff over the next few weeks and referred to the Planning Board for review. In addition to the application tracking process mentioned above, you may contact the Town of Apex Planning Department at (919) 249-3426. If you have any questions about the proposed Rezoning Application, either before our meeting of December 15, 2020, or at any time after our meeting, please contact me.

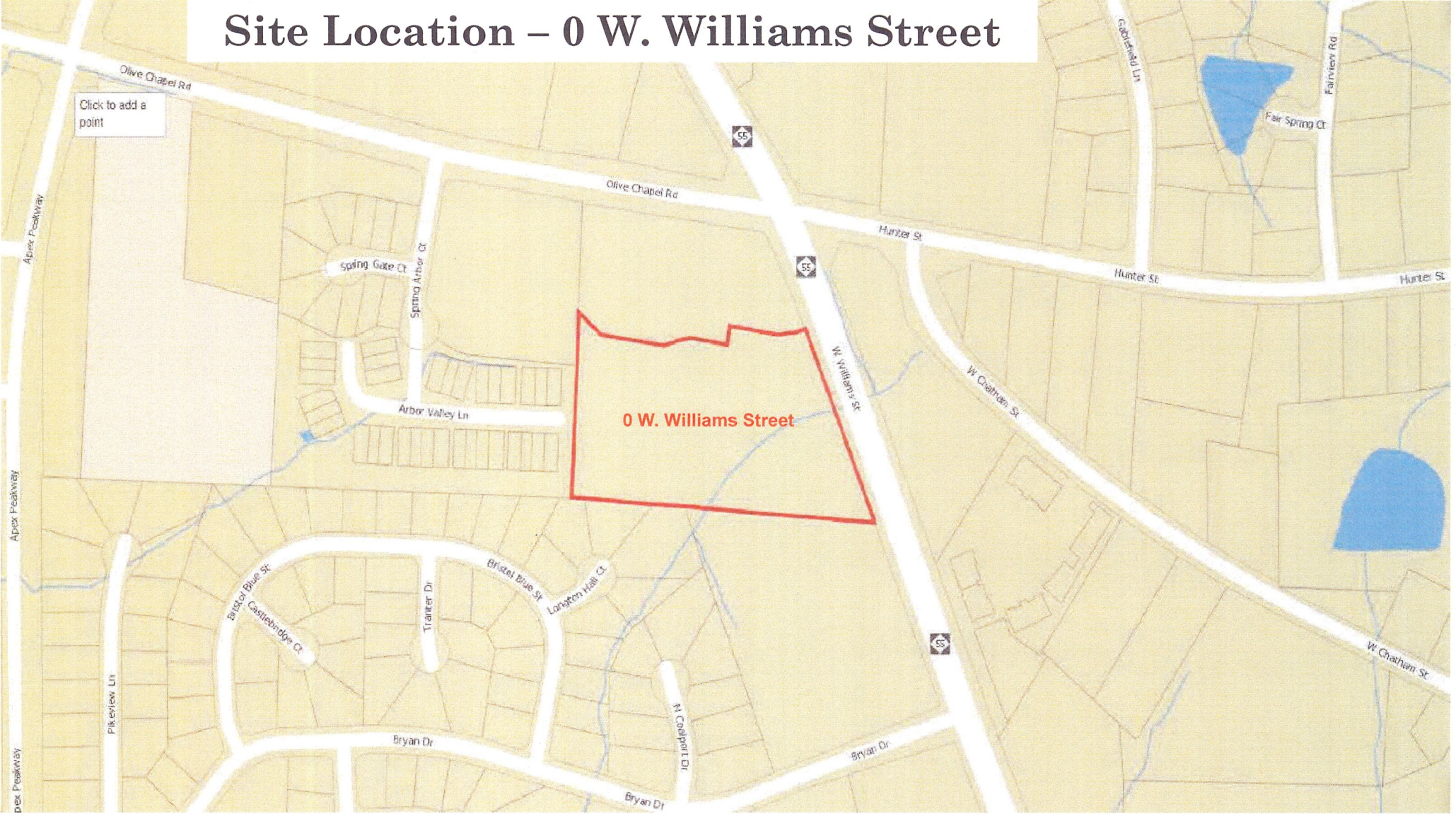
Yours very truly,

Isabel Mattox

Isabel Worthy Mattox

cc: Timothy G. Morgan (via email Tim@eccmgt.com)

Site Location – 0 W. Williams Street

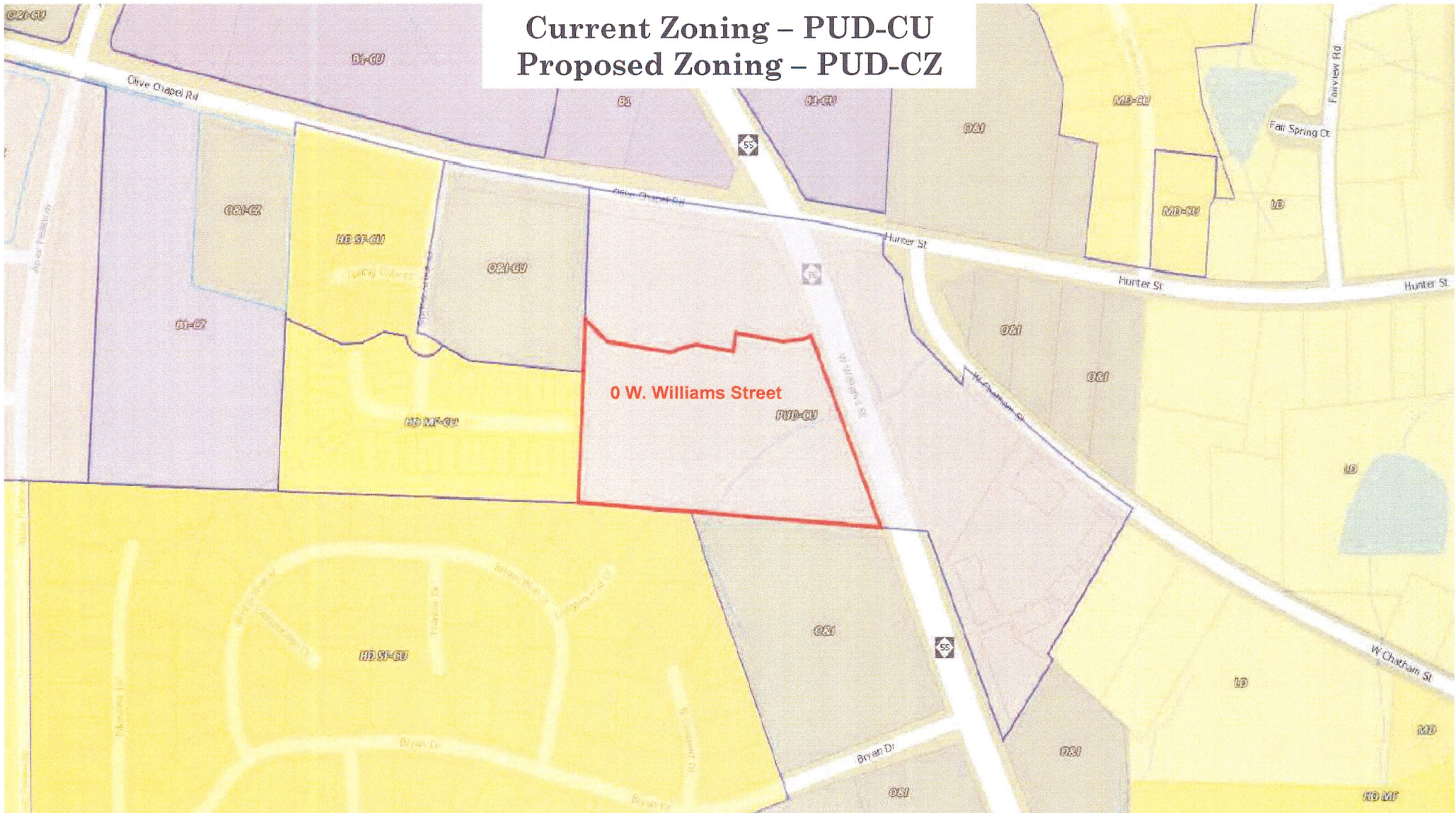


Aerial

Click to add a point



Current Zoning – PUD-CU
Proposed Zoning – PUD-CZ



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: Abbey Spring Zoning: PUD-CU
 Location: 0 W. Williams Street, Apex, NC
 Property PIN(s): 0742026247 Acreage/Square Feet: 5.01 acres

Property Owner: Lidl US Operations, LLC
 Address: HQ Real Estate Department, 3500 S. Clark Place
 City: Arlington State: VA Zip: 22202-4033
 Phone: _____ Email: _____

Developer: Timothy G. Morgan, Evergreen Construction Company
 Address: 7706 Six Forks Road
 City: Raleigh State: NC Zip: 27615
 Phone: 919-848-2041 Fax: n/a Email: Tim@eccmgt.com

Engineer: Rick Baker, Timmons Group
 Address: 5410 Trinity Road, Suite 102
 City: Raleigh State: NC Zip: 27607
 Phone: 919-859-5663 Fax: n/a Email: Rick.Baker@timmons.com

Builder (if known): _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Mike Deaton, Stormwater & Utility Engineering Manager Stan Fortier, Senior Engineer (Sedimentation & Erosion Control)	(919) 249-3413 (919) 249-1166
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 1st and 3rd Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

Noise & Hours of Construction: Non-Emergency Police 919-362-8661

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

Construction Traffic: James Misciagno 919-372-7470

Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control: Water Resources – Infrastructure Inspections 919-362-8166

There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

Parking Violations: Non-Emergency Police 919-362-8661

Unless a neighbor gives permission, there should be no construction parking in neighbors' driveways or on their property. Note that parking in the right-of-way is allowed, but Town regulations prohibit parking within 15 feet of driveways so as not to block sight triangles. Trespassing and parking complaints should be reported to the Non-Emergency Police phone number at 919-362-8661.

Dirt in the Road: James Misciagno 919-372-7470

Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

Dirt on Properties or in Streams: James Misciagno 919-372-7470
Danny Smith Danny.Smith@ncdenr.gov

Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith (danny.smith@ncdenr.gov) with the State.

Dust: James Misciagno 919-372-7470

During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

Trash: James Misciagno 919-372-7470

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.

Temporary Sediment Basins: James Misciagno 919-372-7470

Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures: Mike Deaton 919-249-3413

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Mike Deaton at 919-249-3413.

Electric Utility Installation: Rodney Smith 919-249-3342

Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Remote Zoom Meeting -- https://us02web.zoom.us/j/86452781121

Date of meeting: December 15, 2020 Time of meeting: 5:00 pm

Property Owner(s) name(s): Lidl US Operations, LLC

Applicant(s): Isabel Worthy Mattox, Mattox Law Firm

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.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Isabel Worthy Mattox Mattox Law Firm				
2.	Matthew J. Carpenter Mattox Law Firm				
3.	Rick Baker Timmons Group				
4.	Tim Morgan Evergreen Construction				
5.	Diana Londono				Y
6.	Tonya Headen-Lee				Y
7.	Mike Herbert				Y
8.	Paul Dewey				Y
9.	Becky Ellet				Y
10.	Joanne Flayhart				Y
11.	Mark Wyman				Y
12.	Michael Sumney				Y
13.	Mike Herbert				Y
14.	Tom Hall				Y

Use additional sheets, if necessary.

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: Remote Zoom Meeting -- https://us02web.zoom.us/j/86452781121
 Date of meeting: December 15, 2020 Time of meeting: 5:00 pm
 Property Owner(s) name(s): LIDL US Operations, LLC
 Applicant(s): Isabel Worthy Mattox, Mattox Law Firm

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.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Steve Martin				Y
2.	Donald Thomas				Y
3.	Kenneth Muzzillo				
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

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, Isabel Worthy Mattox, do hereby declare as follows:

Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, 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 Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Remote Zoom Meeting (location/address) on December 15, 2020 (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.

12-16-20

Date

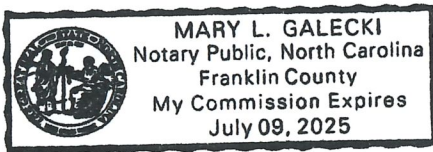
By: _____



STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me this the 16th day of December, 2020 by Isabel Worthy Mattox.

SEAL



Mary L. Galecki

Notary Public

Mary L. Galecki

Print Name

My Commission Expires: July 9, 2025

EXHIBIT B - Certified List of Neighboring Property Owners

0732927220
GLEN ARBOR TOWNEHOME OWNERS
ASSOCIATION INC
R S FINCHER & CO
315 S SALEM ST
APEX NC 27502-1863

0742011877
HITTNER, SUSAN
709 BRISTOL BLUE ST
APEX NC 27502-4114

0742013841
RIEBER, JOHN W
RIEBER, MICHELLE E
706 BRISTOL BLUE ST
APEX NC 27502-4138

0742014942
MUZZILLO, KENNETH
MUZZILLO, GINA
602 LONGTON HALL CT
APEX NC 27502-4108

0742018833
UNITED STATES POSTAL SERVICE
PO BOX 8601
PHILADELPHIA PA 19197-0001

0742020243
BRIDGERS, JEAN B
1008 ARBOR VALLEY LN
APEX NC 27502-3936

0742020328
MURRAY, MARISA CHRISTINE
1003 ARBOR VALLEY LN
APEX NC 27502-3937

0742021098
VELASQUEZ, CHRISTOPHER D
VELASQUEZ, KRISTEN E
101 NOTTINGHILL WALK
APEX NC 27502-4344

0742021262
MARTIN, STEPHEN K
MARTIN, JONNIE L
1016 ARBOR VALLEY LN
APEX NC 27502-3936

0742021326
PLUMLY, MICHAEL R
PLUMLY, MARY M
500 WINDSTREAM WAY
CARY NC 27518-9038

0732929079
STULTZ, CHRISTOPHER NEAL
GALEYEVA, OLGA
800 BRISTOL BLUE ST
APEX NC 27502-4115

0742011902
PITTNER, STEVE T
PITTNER, HEIDI K
713 BRISTOL BLUE ST
APEX NC 27502-4114

0742013868
MUZZILLO, KENNETH
MUZZILLO, GINA
602 LONGTON HALL CT
APEX NC 27502-4108

0742015848
HALL, MURREY T III
608 N COALPORT DR
APEX NC 27502-4106

0742020059
VANGORDER, RYAN
VANGORDER, ANGELA
716 BRISTOL BLUE ST
APEX NC 27502-4113

0742020273
IREALTY LLC
2054 KILDAIRE FARM RD STE 318
CARY NC 27518-6614

0742020357
MEEKS, BARBARA H
DENNIS, TANYA
1005 ARBOR VALLEY LN
APEX NC 27502-3937

0742021202
SUMNEY, MICHAEL W.
SUMNEY, DEBRA L.
1012 ARBOR VALLEY LN
APEX NC 27502-3936

0742021292
WIX, SUSAN R TRUSTEE
1018 ARBOR VALLEY LN
APEX NC 27502-3936

0742021356
WHITE, SUSAN H
1011 ARBOR VALLEY LN
APEX NC 27502-3937

0742010933
HARRIS, BELINDA WOODARD
715 BRISTOL BLUE ST
APEX NC 27502-4114

0742012959
VIZCAINO, ANDRES VINA LONDONO
ZULUAGA, DIANA KARIME
601 LONGTON HALL CT
APEX NC 27502-4108

0742014840
HARMON, THOMAS
HARMON, LETICIA
607 N COALPORT DR
APEX NC 27502-4107

0742016810
HERNANDEZ, LORI L
606 N COALPORT DR
APEX NC 27502-4106

0742020203
SMAILES, ROBERT PATRICK
1006 ARBOR VALLEY LN
APEX NC 27502-3936

0742020309
FLAYHART, JOANNE M
1001 ARBOR VALLEY LN
APEX NC 27502-3937

0742021018
ARSENAULT, GLADYS M
714 BRISTOL BLUE ST
APEX NC 27502-4113

0742021232
LEE, JENNY C
517 GREENWOOD DR
CARY NC 27511-4648

0742021306
KURIAN, JOICE
KURIAN, BINCY JOICE
105 RUTHWIN DR
MORRISVILLE NC 27560-6799

0742021559
SPRING ARBOR OF APEX LMTD PRNTSHP
800 HETHWOOD BLVD
BLACKSBURG VA 24060-4207

0742022096
HERBERT, MICHAEL
HERBERT, MICHELLE
603 LONGTON HALL CT
APEX NC 27502-4108

0742022222
MCCORMICK, CECILIA WEI
1020 ARBOR VALLEY LN
APEX NC 27502-3936

0742022252
PANGBURN, EDWARD C
PANGBURN, JANET D
1022 ARBOR VALLEY LN
APEX NC 27502-3936

0742022306
MARGARET T OKEEFFE TRUST
1013 ARBOR VALLEY LN
APEX NC 27502-3937

0742022335
FU, SHUJUN
MU, LILI
1605 S 8TH ST
ALHAMBRA CA 91803-3416

0742022366
LEROUX ENTERPRISES LLC
1017 ARBOR VALLEY LN
APEX NC 27502-3937

0742023077
SEEGER, JANE F
605 LONGTON HALL CT
APEX NC 27502-4108

0742024094
THOMAS, DON E
THOMAS, GWEN L
604 LONGTON HALL CT
APEX NC 27502-4108

0742025548
UKRAINIAN AMERICAN SOCCER ASSN INC
WALGREENS CO
300 WILMOT RD
DEERFIELD IL 60015-4614

0742026247
LIDL US OPERATIONS LLC
HQ REAL ESTATE DEPARTMENT
3500 S CLARK PL
ARLINGTON VA 22202-4033

0742028991
WIDEWATERS IX APEX CO LLC
WALGREENS CO
PO BOX 1159
DEERFIELD IL 60015-6002

0742111997
JONES FAMILY PROPERTIES OF APEX LLC
PO BOX 945
APEX NC 27502-0945

0742112920
LEGAL VENTURE LLC
510 W WILLIAMS ST
APEX NC 27502-1846

0742120376
SCI NORTH CARLINA FUNERAL SERVICES
LLC
1929 ALLEN PKWY
HOUSTON TX 77019-2506

0742120376
MCIVER FAMILY HOLDINGS, LLC
PO BOX 130548
HOUSTON TX 77219-0548

0742121986
WAKE COUNTY
WAKE CO ATTORNEYS OFFICE
PO BOX 550
RALEIGH NC 27602-0550

0742123010
BEAVERS OFFICE PARK CONDOS
PWA
1146 EXECUTIVE CIR
CARY NC 27511-4526

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): LIDL US Operations, LLC

Applicant(s): Isabel Worthy Mattox, Mattox Law Firm

Contact information (email/phone): _____

Meeting Address: Remote Zoom Meeting -- https://us02web.zoom.us/j/86452781121

Date of meeting: December 15, 2020 Time of meeting: 5:00 pm

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

Question/Concern #1:

See Questions/Concerns attached as Exhibit D.

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

EXHIBIT D

to

Town of Apex – PD Plan/PUD-CZ Petition
Property: 0 W. Williams Street, Apex, NC 27502

QUESTIONS FOR APEX REZONING NEIGHBORS MEETING

- What is the setback from the adjacent homes? 20 feet?

We propose a 40- Type A buffer adjacent to single family homes and a 20' Type B buffer adjacent to townhomes.

- What will be done with the two existing ponds on the property?

There are a sedimentation area and a stormwater pond serving the Walgreens property. Those will be incorporated into underground stormwater detention.

- What protections are there for the adjacent homeowners from light, water, sound, and air pollution?

Light fixtures will be directed downward to avoid light trespass. Stormwater flowing from the property will be initially stored underground and filtered (probably through a sand filter) before being released to adjoining properties. We do not expect any significant noise to be generated by this senior development, probably much less than some uses such as restaurants which are permitted under the existing zoning. We also do not expect this development to cause air pollution. There will be significantly lower traffic generated than from uses under existing zoning.

- What went into the decision of where to place the building?

Building placement shown on graphic is not final, but considerations include: driveway access points, Apex requirement to place most parking on the side of or behind the building.

- Why does the building not back up to Walgreens instead?

Driveway access points

- Has a noise study been done?

No, but we do not expect any significant noise to be generated by this senior development, probably much less than some uses such as restaurants which are permitted under the existing zoning.

- Dumpster location?

Location on graphics are not final, but we need to locate where a truck can adequately maneuver. Also keep in mind that the dumpster will be enclosed and landscaping will be required around the enclosure.

Site Plan:

- What are the specific elevations for the building, parking lot, dumpster pad, and driveways?

We have not done a grading study and cannot give accurate site elevations for improvements.

- Will there be a retaining wall? If so, how tall and what are the details of the location and size?

Given the grades, there will very likely be one or more retaining walls but we do not know the height at this time.

- How will storm water run off be managed? - it is already a significant issue without development at this time.

Stormwater will be managed through an underground detention system which collects runoff, filters and releases over a period of time.

- How will the existing creek/stream be addressed as it currently runs under the proposed building location?

Our information indicates that the stream ends before it reaches the building location. We will have the stream delineated by the NC Division of Water Quality and the US Army Corps of Engineers. If a protected stream is in the proposed building location, we will need to relocate the building.

- How will protected natural areas be preserved with proposed development?

We will maintain buffers along the south and west borders. These will be maintained by the Owner.

Traffic:

- Is Walgreens Corporation and the local site aware of the dependency of access through their parking lot from this proposed development?

Yes we believe they were aware and recorded access agreements in their development.

- Have current traffic studies been done assessing the large amount of traffic along this section of W. Williams which already impinges upon Amhurst, postal office, and church traffic, especially for a left turn? How will the increased traffic of up to 126 additional vehicles be addressed? (84 units x 1.5 parking spaces on design plan).

Project engineer Timmons Group has prepared a Trip Generation Report for this site and our proposed use. It indicates that traffic from this site will be significantly less than what could be developed on site under the current zoning

- How does the proposed development plan to address traffic concerns, including future widening of W. Williams and the proposed dividing median which would run in front of this property?

Access will be through joint access drive with Walgreens. There will not be additional access point on Williams. There are likely to be road dedication and/or improvement requirements with this development.

Rezoning Issues:

- What specifically is the rezoning proposal? Documents received reference changing it from PUD-CU to PUD-CU. However, there is currently a booklet of all the details applicable to the current zoning for the site. Multifamily or residential of any kind is not currently allowed anywhere within the present zoning uses. This is a significant change being requested without any prior communication or collaboration with the adjoining property owners.

The rezoning request has not been filed. This is the very beginning of the process. We want to engage with you tonight and in the future to hear your concerns and suggestions. We will file the rezoning request to allow multifamily development.

- Use of the land was to be limited to office hours for any structure located along residential property lines and other structures would be businesses such as restaurants or coffee shop that would close overnight providing neighboring residents privacy and quiet enjoyment of their property. How will proposed development address car and people noise, lights, and 24/7 residential living adjacent to property owners?

Although residential is a 24 hour use, we do not believe a senior affordable development will generate significant noise, traffic or activity at night time. The current zoning allowed restaurants and retail/service uses which would be far noisier and would generate significantly more traffic.

- Proposed building significantly exceeds current approved building square footage. How is this addressed in the rezoning application?

When you add all the building footprint areas together, they may not be significantly more than the footprint we propose.

- Would the current detailed PUD-CU zoning with use and development restrictions be replaced as a whole with the new proposed zoning? If so, is the developer willing to work with property owners to address buffers, landscape screening, storm water runoff, lighting, dumpster noise, and other currently protected right for adjacent property owners?

We are changing the PUD only with respect to the subject tract. The remainder of the PUD zoning will stay as is. We absolutely want to work with property owners to address development issues and concerns.

- Who would be responsible for maintaining buffer areas?

The property owner who will be Evergreen which develops, manages and continues to own its developments.

- How does a 3 story large residential building on this lot meet current zoning for property in this area? The height profile for most commercial structures, especially in this immediate area, is one story with the exception of the church.

We are requesting rezoning to allow more height. As our area grows and land becomes more scarce we must grow up to accommodate our growing communities.

- What is the next step after this call? Who will be the contact? What rights do the adjacent property owners have? What is the detail or date of next step?

After this call we will work to complete our rezoning application which we plan to file before January 4. Then there will be a period of Staff review. If things go according to schedule, we would go to the Planning Board on March 8, 2021 and to Town Council on March 23, 2021. You have the right to appear at either of these public meetings and to speak at those meetings.

Senior Living Development:

- Applicants must be 55+. Would residents be allowed to have other under 55 residents living with them, including young and school age children? Is there a maximum number of residents per unit and how is that enforced?

Yes applicants can have a younger spouse or companion --the minimum age is 45 for someone living with a resident over 55. The limit is 2 people per bedroom plus an additional person but our typical resident is single and about 65 years old.

- Will all 84 units be offered at below market rates or subsidized to meet affordable criteria?

Yes at 30%, 40%. 50% and 60% or Annual Median Income

- Who will manage, approve applicants, and maintain the facility?

The property owner who will be Evergreen which develops, manages and continues to own its developments. It will screen applicants and maintain the facility.

- What percentage of rental units will be 1 bedroom or 2 bedroom?

Approximately 50% 1-BR and 50% 2- BR.

- What is the breakdown of the economic affordability that will be used, and how many units will apply at each % of medium area income for Wake Co.?

Approximately 21 units at 30%, 12 units at 40%, 8 units at 50% and 43 units at 60% of Annual Median Income.

- Will a bus stop or other public transportation be placed near or on the property?

We think that is likely.

Affordable Housing:

- Is it a conflict of interest that the developer on this proposed application is also a Steering Committee member of the Apex Affordable Housing Plan? (Timothy Morgan, Evergreen Construction Co.)

Tim Morgan was asked to serve on the Apex Committee because of his knowledge of affordable housing development. He has also served with similar groups in Raleigh and _____. He has no part in the process of approval of rezoning cases. We do not see this as a conflict.

- Has any funding to assist with this development already been secured? If so, how much and through which agencies?

No funding has been secured, but we will apply to NCHFA for tax credits and to Wake County for financing.

- Why this site verses other options within the broader community? The one existing Affordable Housing development in Apex is a 72 unit complex of 2 and 3 bedroom units built by DHIC at 610 Upchurch Street which is less than 1 mile south off of W. Williams Street. All of these units are offered at less than 50% of median area income.

The existing DHIC development is a family development and does not serve the senior population that our development will serve.

- Currently there is a development plan that has been funded and approved to be built by DHIC known as Broadstone Walk across from Cambridge Village senior center. The information on this project shows 2 phases, with the first being 72 units for families and a second phase targeted for senior living. This development would be approximately 1.7 miles south from this proposed site. Could this development at the corner of S. Hughes and Apex Peakway address the need for affordable senior housing?

The proposed development which had included a senior component was not approved by NCHFA. It has now been changed to 100% family. So neither of these developments is the same as ours which is an entirely senior development.

- Are there state and local requirements that exist to prevent the clustering of affordable housing in close proximity to one another? Based on the distances of the 2 developments mentioned above, a problem with clustering would seem to exist with this rezoning proposal.

There are sometimes local requirements (but not in Apex) promulgated to reduce overconcentration of affordable housing, however those would not apply where a family and senior development are in the same area.

Town of Apex – PD Plan/PUD-CZ Petition
Property: 0 W. Williams Street, Apex, NC 27502

Petition No. 21CZ02 Abbey Spring

PD PLAN TEXT
Section 1: Table of Contents

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Section 4:	Statement Permitted
Section 5:	Uses
Section 6:	Design Controls
Section 7:	Architectural Standards
Section 8:	Parking and Loading
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Section 10:	Natural Resource and Environmental Data
Section 11:	Stormwater Management
Section 12:	Parks and Recreation
Section 13:	Public Facilities
Section 14:	Phasing
Section 15:	Consistency with Land Use Plan
Section 16:	Compliance with the UDO

PD PLAN TEXT
Section 2: Vicinity Map Project

PD PLAN TEXT
Section 3: Project Data

Name of the Project: Abbey Spring (Affordable Senior Apartments)

Prepared By: Isabel Worthy Mattox
Mattox Law Firm
PO Box 946
Raleigh, NC 27602

Rick Baker, PE
Project Engineer
Timmons Group
5410 Trinity Road, Suite 102
Raleigh, NC 27607

Becky Bascom Kelly, RA
Project Architect
Tightlines Designs
19 W. Hargett Street, Suite 501
Raleigh, NC 27601

Property Owner: Lidl US Operations, LLC
HQ Real Estate Department
3500 S. Clark Street
Arlington, VA 22202-4033

Contract Purchaser: Evergreen Construction Company
c/o Tim Morgan
7706 Six Forks Road
Raleigh, NC 27615

Existing Zoning: PUD-CZ (02CU13)

Proposed Zoning: PUD-CZ

Current land use designation: Mixed Use, including office and retail

Proposed land use designation: High Density Residential/Commercial Services

Area of Tract: 5.01 acres

Area Proposed as Non-Residential*: 0 acres

Area Proposed as Residential: 5.01 acres (across two phases)

Percent Proposed as Non-Residential: 0%

Percent Proposed as Residential: 100%

PD PLAN TEXT
Section 4: Purpose Statement

Purpose Statement

(explain how this project meets the Development Parameters found in UDO Sec. 2.3.4(F)(I)(iv)-(vi).)

Section 2.3.4(F)(I)(iv) – The proposed development will provide for the connection of land uses through a variety of modes including pedestrian and bicycle facilities, roadway improvements and other facilities. The project will conform to the requirements of the Apex Transportation Plan by constructing or improving connecting roadways and/or driveways between Williams Street (Hwy 55) and Olive Chapel Road. The proposed development will offer a pedestrian connection between the proposed multifamily residential and (i) the adjacent Walgreen’s retail development to the north and (ii) the adjacent United States Postal Service property to the south.

Section 2.3.4(F)(I)(v) – The purpose of the proposed development is to provide much-needed affordable housing for seniors situated in the Town Center area, close to high-quality mixed-use development, itself in close proximity to the intersection of several major transportation thoroughfares. The proposed development will integrate well with existing different land uses in close proximity to the subject site and thereby increases the overall connectivity of the area while providing additional opportunities for use and patronage of the existing land uses, including grocery, pharmacy, restaurants and healthcare providers. Within the development proposal, particular attention will be paid to preserving perimeter buffers while also promoting an internal network of interconnected streets, pedestrian, and bicycle facilities (including bicycle parking).

Section 2.3.4(F)(J)(v) – The proposed residential development is intended to integrate with the existing and planned future development of the area. Appropriate buffers are contemplated to ensure the development is shielded from existing single family and townhouse development. Connection with the adjacent Walgreen’s retail property is provided through two vehicular connections and a pedestrian footpath, helping to reduce vehicular trips on public rights-of-way and foster a more walkable environment. In addition, the proposed development will integrate well with existing healthcare providers, including Wake Med-Apex Healthplex, Walgreens and other healthcare providers. The proposed development will maintain the architectural feel and identity of Apex, and enhance adjoining property values by offering a high-quality product that will complement the surrounding area; however, at the request of the adjacent residential neighborhoods, no cross access will be provided to either the Glen Arbor Townhomes community or the Amherst subdivision.

PD PLAN TEXT
Section 5: Permitted Use

Residential Uses (Medium and High Density Residential)

4.3.1 Residential Uses*

A. Age Restricted Multi-Family or Apartment meeting the federal definition of elderly housing, having at least eighty percent (80%) of the occupied units occupied by at least one person fifty-five (55) or older per unit. No permanent residents shall be younger than forty-five (45) years old.

** The allowed residential uses must meet the requirements of the Section 42 of the Internal Revenue Code (“Code”) or a substantially equivalent form of affordable rental housing. The dwelling units developed on the property must meet this requirement. Accordingly, rents shall be set at a price that on average is affordable to a household with an annual income that is no greater than 60% of the Area Median Income for the respectively-sized household in the Raleigh, NC MSA, as determined by the United States Department of Housing and Urban Development (HUD) at the time of move-in.*

PD PLAN TEXT
Section 6: Design Controls

Residential (Medium and High Density Residential)

Maximum density: 17du/acre

Maximum Building Height**

Three (3) stories with no ground level/underground parking; maximum 48 feet or
Two (2) stories, plus ground level/underground parking; maximum 48 feet.

***Certain architectural elements (project identity features, towers, spires, etc.) may surpass this height limit with Town approval as part of the site plan review process.*

Maximum Building Size

The building shall not exceed ninety-six thousand (96,000) square feet in the aggregate.

Setbacks

North (Walgreens)

Vehicle Use Areas:	10' from established buffers
Buildings:	10' from established buffers
Retaining Walls	10' from established buffers

West (Glen Arbor)

Vehicle Use Areas:	5' from established buffers
Buildings:	5' from established buffers
Retaining Walls	5' from established buffers

South (Amherst)

Vehicle Use Areas:	15' from established buffers
Buildings:	15' from established buffers
Retaining Walls	5' from established buffers

Buffers

Street Front Buffers

Williams Street*: A 30' Thoroughfare buffer will be maintained along the frontage of Williams Street located on the eastern boundary of the property.

Perimeter Buffers

South: 40' Type A – adjacent to PINs 0742024094 (Thomas), 0742023077 (Seeger) and 0742022096 (Herbert). Such buffer shall be in compliance with the Apex UDO, however fencing may not be used to meet the opacity requirements set forth therein.

West: 20' Type A – adjacent to PINs 0732927220 (Glen Arbor HOA).

Impervious Surface

Amount and percentage of built upon area allowed: Seventy percent (70%)

Amount and percentage of built upon area proposed: Less than seventy percent (<70%)

[Exact percentage to be determined at site plan stage of development]

PD PLAN TEXT
Section 7: Architectural Standards

The building scale and mass for this multifamily community will reflect the residential scale and character of traditional Apex architecture. Building materials to be used for the apartments shall include a variety and diversity of colors, textures, and features provide a unique character while still maintaining a level of consistency and compatibility with the Apex style. Further detailing shall be provided at the time of site plan submittal.

The scale of new structures will be appropriate to the building type and will also relate appropriately to adjacent land uses. Apartment structures will be in scale with proposed retail development adjacent to those uses. Height, mass, form and roof configurations will be given particular attention as elements of scale. The main exterior building materials are brick and vinyl lap siding, with accent vinyl vertical siding. Awnings, gable vents, Juliet balconies, a cupola and accent metal roofing will be included to add variation and interest throughout the building. The building design will also feature a rear porch, a porte cochere and a balcony with seating, which shall be attached or adjacent to the main building.

Various architectural and landscape street elements will be incorporated to enhance the traditional character and walkability of the community. These elements may include patios, railings, benches, lighting, entry features, lawn areas and open space.

This building will be built to the Energy Star Multifamily New Construction Program standards. This includes items that will be built to a higher standard of efficiency, including: energy efficient lighting and appliances, Energy Star windows, higher resistance envelope insulation (it will be at least R-15 for walls), and higher efficiency HVAC. The design will also include light sensors for exterior lighting and movement sensors for interior common area lighting. Lighting shall be restricted to minimize impact on neighboring residential properties as follows:

- Light poles for pole-mounted lights shall not exceed twenty-five feet (25');
- Pole-mounted light fixtures shall be full cutoff; and
- No light poles shall be installed in Type A buffers.

To address neighborhood concerns, the following shall be required:

- All stairwells will be fully enclosed and shall require soft-close security doors exiting to the outside.
- No exterior automated teller machines shall be permitted.
- No drive-through window service shall be permitted for the delivery or pick-up of products.
- No balconies shall be permitted on individual units other than Juliet balconies.
- The trash dumpster must be located at least sixty (60) feet from the south boundary line where the site adjoins the Amherst neighborhood.
- No playground shall be permitted.

PD PLAN TEXT
Section 8: Parking and Loading

A reduction in parking to 1.1 space per dwelling unit is requested.*

** While the proposed development would not technically qualify as Congregate Care, it otherwise being an age-restricted property marketed and leased specifically to seniors is the basis for the request to reduce the parking minimum to 1.1 space per dwelling unit, the approved minimum for Congregate Care facilities. The developer has experienced success with such ratios on other senior projects, for example an approximately 1.1:1 ratio at its Ryan Spring project located in Cary and its Amber Spring project located in Raleigh. In addition 1.1 parking space per unit is the ratio required by NCHFA based on its experience with both legal and practical parking requirements over multiple projects in North Carolina. The developer feels a 1.1:1 ratio at this project would not unduly impact adjacent property owners or residents' lives or their ability to maintain personal transportation at their residence.*

Further justifying the reduction in parking requirements are (a) a planned transit stop in close walking distance, and (b) provision bicycle parking.

It is anticipated that the Town of Apex will install a new bus stop for GoApex Route 1 in front of the United States Post Office on West Williams Street. This is a funded project with designs approved by NCDOT. The approved design includes an amenity pad, bench, and other improvements, with room for a future shelter. If the Town has completed those improvements prior to the completion of the proposed development, the applicant shall construct the following at the new bus stop: shelter, trash receptacle. These improvements would be made within the existing right of way prior to the issuance of a CO for the development.

To facilitate a building layout which is ADA accessible and accommodates cross access and environmentally sensitive areas, more than fifty percent (50%) of parking shall be allowed between the building and the street.

PD PLAN TEXT
Section 9: Signs

Signage will comply with all applicable requirements of the UDO.

PD PLAN TEXT
Section 10: Natural Resource and Environmental Data

Watershed:

The site is within the Upper Beaver Creek Drainage Basin.
The site does not contain a FEMA designated 100-year floodplain.

Stream and Buffers:

The delineation of wetlands and riparian buffers were completed by Town of Apex Water Resource Department on February 25, 2021. In accordance with the Town of Apex Stream Buffer Report dated February 26, 2021 and Section 6.1.11 of the Town UDO, a stream

classification of S1A has been determined requiring a 50' stream buffer. Applicant has submitted a revised site plan delineating the 50' stream buffer located at the southern boundary line of the site.

RCA Requirements:

PUD-CZ #02CU13 provided for 2.29 acres of RCA over the entire 13.28- acre PUD covered by that case. A significant portion of the RCA (approximately 62,000 square feet) was provided on the subject property. The Applicant will maintain at least 62,162 square feet (1.45 acres) of RCA, consistent with UDO Section 8.1.2.B.1.i., to include any areas that are disturbed to be replanted and counted as RCA.

Historic Structure:

The site does not contain any historic structures as defined by UDO Section 12.2 "Historic Structure".

Planting and Landscaping and other Environmental Issues:

Biodiversity. The project will promote biodiversity through: (i) planting pollinator-friendly flora; and planting native flora.

Green Infrastructure. The project will provide diverse and abundant pollinator and bird food sources (e.g., nectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall.

Gardens. The development will include a community garden and/or a native pollinator demonstration garden.

Drought Resistance. The development will include landscaping that requires less irrigation and chemical use and warm season grasses that facilitate drought resistance.

Trees. The development will increase the number of native hardwood tree species to at least 3 species.

Pet Waste Stations. The development will include pet waste stations.

Signage. The development will include signage identifying environmentally sensitive areas.

PD PLAN TEXT

Section 11: Stormwater Management

The post development on-site storm water discharge rate for the apartment development shall not exceed the pre-development rate. Quantity measures for stormwater management will be designed to the 1-year, 24-hour and the 10-year, and 25-year, 24-hour design storms. Stormwater management for the entire site will be managed through the use of above ground or underground Stormwater Control Measures (SCMs) to achieve both quantity and quality requirements. The preferred standard of care and use of approved SCMs shall be taken with regard to erosion control and assurance of storm water quality. Currently there is a stormwater pond serving the adjacent Walgreen's development to the north. It is anticipated that the proposed development will include a shared SCM which will serve both the Walgreen's store and this site.

In addition, the project proposes the installation of signage near SCMs, whether above ground or underground in order to: (i) reduce pet waste; and (ii) eliminate fertilizer near SCM drainage areas.

PD PLAN TEXT

Section 12: Parks and Recreation

The property is located close to Apex Jaycee Park and Beaver Creek Greenway. The project will pay a fee-in-lieu of dedication of park space unless such fee is waived. In addition, current site plan contemplates a large, flat, multiuse lawn area to serve the development as well as outdoor patio areas and an indoor fitness center.

The Parks, Recreation and Cultural Resources Advisory Commission reviewed the Abbey Spring project at the regular meeting on February 24, 2021. The Commission made a unanimous recommendation for a fee-in-lieu of dedication.

PD PLAN TEXT

Section 13: Public Facilities

Sanitary Sewer:

The proposed development will connect to the existing public sewer line located in the right-of-way of Williams Street.

Water Systems:

The proposed development will be served by an existing water main located within Williams Street. Proposed water mains will extend through the subject property to provide water service and fire protection to the future development.

Roadways:

The site enjoys good access to both Williams Street and Olive Chapel Road through joint access drives through the Walgreen's development to the north. An additional southbound lane and a 10' pedestrian path will be added along W. Williams Street as a part of the apartment development. Another pedestrian path will be constructed to connect the proposed apartments with the Walgreen's property. Where public streets are proposed or required, the streets will be designed to Town of Apex public road standards. The proposed development roadway layout is in accordance with the proposed Apex Transportation Plan. The proposed plan is below the traffic volume thresholds that would otherwise require a traffic impact analysis by the Town of Apex. Proposed access to the public street(s) and associated improvements is subject to review and approval by the Town of Apex and NCDOT at the time of site plan submittal. The site plan shall provide right of way dedication along West Williams Street in accordance with Advance Apex. See attached Trip Generation Report. In addition, we are aware of the NCDOT Project U-2901 – NC 55 Widening Project and the Project's current construction delays.

A 24' vehicular cross-access easement within a 34' driveway construction easement shall be provided from the joint access driveway with Walgreens identified as PIN 0742025548 to the joint property line with the United States Postal Service property to the south identified as PIN 0742 01 8833. The site will be designed to accommodate the possible future extension of a driveway to the adjoining property to the south. No physical cross access improvements will be built as part of the initial development of the property for affordable senior housing. Any parking spaces located within the easement shall count toward parking requirements and any area of the easement outside of the parking lot shall count toward the Resource Conservation Area (RCA) requirement. Any RCA area within the easement, not including buffers, shall not be required to be planted to a specific standard. Any parking spaces removed through the construction of the cross access easement in the future would need to be replaced by the entity installing the cross access easement.

PD PLAN TEXT
Section 14: Phasing

The apartment development will be constructed in a single phase.

PD PLAN TEXT
Section 15: Consistency with Land Use Plan

The proposed development is consistent with the proposed amended Land Use Plan scheduled to be reviewed by the Planning Board and Town Council in early 2021 and the intent and goals thereof, some of which include the preservation of Apex's character, improved economic health, providing compatibility between new development and existing development; the protection of natural resources; the provision of infrastructure that helps achieve land use and growth management objectives and also promotes pedestrian and bicycle facilities throughout Apex and the efficient circulation of traffic; and (perhaps most notably) providing options for affordable housing.

Apex grew around a transportation center with a mix of residential and commercial uses. Throughout its history, the community has sought to be a self-sufficient center of commerce and a great place to live. The proposed development will continue the pattern of mixed-use development within the Town Center area by locating a high-quality multifamily development within close proximity of existing retail and mixed-use developments, thereby increasing the community's tax base and economic health.

The Project will add another housing option for older and economically disadvantaged citizens. Development will be steered away from the more environmentally sensitive areas on site in order to meet the goal preservation of significant RCAs.

The efficient circulation of traffic will be achieved by the connection of Williams Street and Olive Chapel Road, pedestrian connection between the proposed development and existing retail, and many other transportation facility improvements. In addition, the close proximity to a variety of existing uses will support alternative modes of transportation by placing residents within walking or biking distance of grocery, pharmacy, restaurants and jobs. A 10' side path will be constructed along W. Williams Street to improve pedestrian and bicycle connectivity.

Most importantly, the proposed development will bring much-needed affordable housing to the area for seniors. The median housing value in Apex is over \$350,000, making homeownership unaffordable for a significant segment of the population. Median rent is over \$1,100 per month. It is estimated that over 30% of renters pay more than 35% of their annual income for rent. This leaves fewer dollars available for basic necessities such as food, transportation, education, health care, and other needs. Furthermore, while the housing stock of Apex has been growing in recent years, the focus has primarily been in single-family/townhome uses; there are very few small to medium apartment buildings. The proposed development aligns well with Wake County's Affordable Housing Plan and will provide economic benefits to the Town of Apex while also providing immediate personal benefits to many senior Apex residents.

PD PLAN TEXT
Section 16: Compliance with the UDO

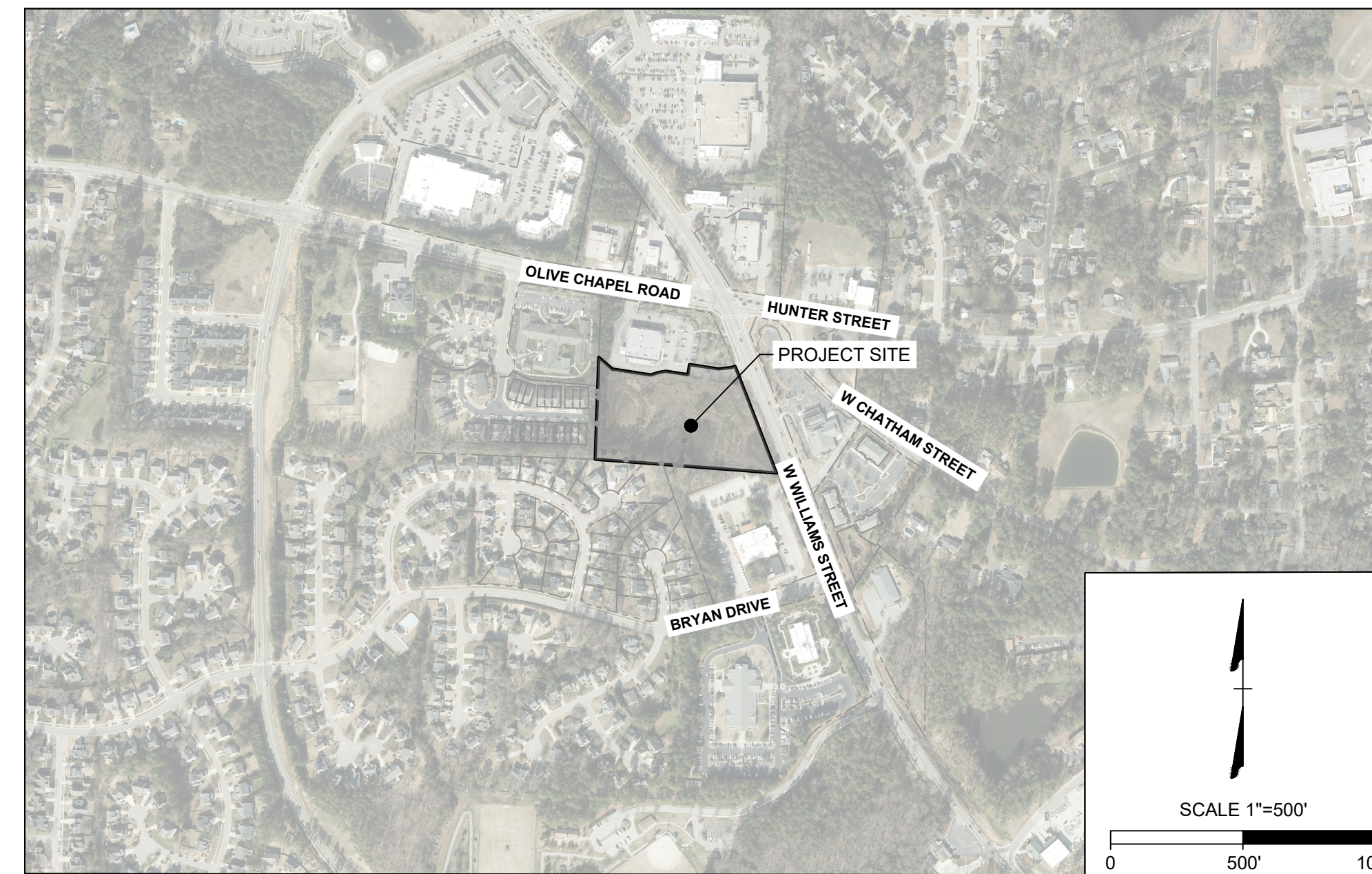
The Project will comply with all other relevant portions of the UDO.

EVERGREEN - ABBEY SPRING

A SENIOR LIVING COMMUNITY

PLANNED UNIT DEVELOPMENT - CONDITIONAL ZONING

0 W WILLIAMS STREET
 APEX, WAKE COUNTY, NORTH CAROLINA, 27502
 PIN(S): 0742026247



VICINITY MAP

DEVELOPER:
 EVERGREEN CONSTRUCTION
 7706 SIX FORKS ROAD; SUITE 202
 RALEIGH, NC 27615
 TIMOTHY G. MORGAN
 (919) 848-2041
 TIM@ECCMGMT.COM

CIVIL ENGINEER:
 TIMMONS GROUP
 5410 TRINITY ROAD, STE. 102
 RALEIGH, NC 27607
 RICK BAKER, PE
 (919) 866-4939
 RICK.BAKER@TIMMONS.COM

ARCHITECT:
 TIGHT LINES DESIGNS
 19 W. HARGETT STREET, SUITE 501
 RALEIGH, NC 27601
 BECKY BASCOM KELLY
 (919) 834-3600
 BECKY@TIGHTLINESDESIGNS.COM

Sheet List Table	
Sheet Number	Sheet Title
C0.0	COVER SHEET
C1.0	EXISTING CONDITIONS PLAN
C2.0	PUD PLAN
C3.0	UTILITY PLAN

SITE DATA TABLE	
PROJECT NAME:	EVERGREEN CONSTRUCTION - ABBEY SPRING
PROPERTY OWNER:	LIDL US OPERATIONS LLC HQ REAL ESTATE DEPARTMENT 3500 S CLARK STREET ARLINGTON, VA 22202
DEVELOPER:	EVERGREEN CONSTRUCTION TIMOTHY MORGAN 7706 SIX FORKS ROAD; SUITE 202 RALEIGH, NC 27615
PROPERTY ADDRESS:	0 W WILLIAMS ST, APEX, NC 27502
PIN:	0742-02-6247
DEED REFERENCE:	DB 16383 PG 2673
PLAT REFERENCE:	BM 2006 PG 2021
EXISTING ZONING:	PUD-CU
PROPOSED ZONING:	PUD-CZ
EXISTING TRACT SIZE:	217,944 SF (5.01 AC)
EXISTING LAND USE:	VACANT
PROPOSED LAND USE:	MULTI-FAMILY
CURRENT 2045 LAND USE MAP DESIGNATION:	COMMERCIAL SERVICES
PROPOSED 2045 LAND USE MAP DESIGNATION:	HIGH DENSITY MULTI-FAMILY/COMMERCIAL SERVICES ("A")
AREA DESIGNATED AS MIXED USE ON 2045 LAND USE MAP:	
AREA OF MIXED USE PROPERTY PROPOSED AS NON-RESIDENTIAL DEVELOPMENT:	0 SF
PERCENT OF MIXED USE AREAS PROPOSED AS NON-RESIDENTIAL:	0%
HISTORIC STRUCTURE ONSITE:	N/A
WATERSHED:	UPPER BEAVER CREEK
WATERSHED PROTECTION OVERLAY DISTRICT:	SECONDARY
RESOURCE CONSERVATION AREA	
MINIMUM REQUIRED:	62,162 SF
PROPOSED:	62,258 SF
BUILDING/STRUCTURE SETBACKS:	
FRONT (FROM PRIMARY STREET):	20'
SIDE LOT LINE:	20'
REAR LOT LINE:	20'
PARKING SETBACKS:	5' FROM ANY BUFFER OR RCA
PROPOSED BUILDING INFORMATION:	
PROPOSED DWELLING UNITS:	1-BR UNITS: 42 UNITS 2-BR UNITS: 42 UNITS TOTAL: 84 UNITS
EXISTING BUILDING FLOOR AREA:	0 SF
PROPOSED BUILDING FLOOR AREA:	93,311 SF
EXISTING AND PROPOSED GROSS SQUARE FOOTAGE OF BUILDINGS:	93,311 SF
PROPOSED BUILDING HEIGHT:	3-STORIES, 48'
PARKING SUMMARY:	
AUTO PARKING PROPOSED:	1.1 SPACES PER UNIT
BICYCLE PARKING PROPOSED:	6 MIN.

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YOUR VISION ACHIEVED THROUGH OURS.

DATE: 02/11/21
 DATE: 01/08/2021
 DRAWN BY: T. DAEKE
 DESIGNED BY: R. BAKER
 CHECKED BY: R. BAKER
 SCALE: AS SHOWN

TIMMONS GROUP
 NORTH CAROLINA LICENSE NO. C-1652
EVERGREEN - ABBEY SPRING
 APEX - WAKE COUNTY - NORTH CAROLINA
COVER SHEET

JOB NO.
42601.008
 SHEET NO.
C0.0

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

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- SURVEY NOTES**
- ON SITE BOUNDARY, TOPOGRAPHY AND PLANIMETRIC INFORMATION IS TAKEN FROM WAKE COUNTY GIS.
 - ALL DISTANCES SHOWN ON SURVEY ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
 - OTHER SOURCES OF INFORMATION INCLUDE WAKE COUNTY GIS, AERIAL IMAGERY, AND OTHER MAPPING DATA.
 - NOT LOCATED IN FLOOD HAZARD AREA PER FEMA MAPS #3720074200J (05-02-2006).
 - RECORDED PROPERTY DATA:
5.1. BOOK OF MAPS 2006; PAGE 2021
 - NO KNOWN EXISTING VEGETATION 18" CALIPER OR LARGER LOCATED ONSITE.
 - NO KNOWN UNDERGROUND STORAGE TANKS, HAZARDOUS WASTE AND DEBRIS, SEPTIC TANKS, NOR SIMILAR STRUCTURES LOCATED ONSITE.

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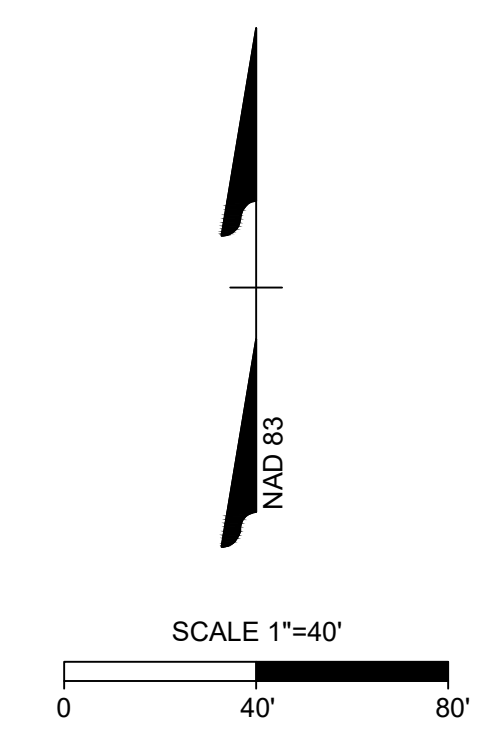
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YOUR VISION ACHIEVED THROUGH OURS.	REVISION DESCRIPTION PER TOWN OF APEX COMMENTS
DATE 02/11/21	DATE 01/08/2021
DRAWN BY T. DAEKE	DESIGNED BY R. BAKER
CHECKED BY R. BAKER	SCALE AS SHOWN

TIMMONS GROUP

EVERGREEN - ABBEY SPRING
NORTH CAROLINA LICENSE NO. C-1652
APEX - WAKE COUNTY - NORTH CAROLINA
EXISTING CONDITIONS PLAN

JOB NO.
42601.008

SHEET NO.
C1.0



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PRELIMINARY STORMWATER MANAGEMENT PLAN:
PRE-DEVELOPMENT RUNOFF RATE FOR 24 HOUR STORM:

$Q = C \cdot I \cdot A$

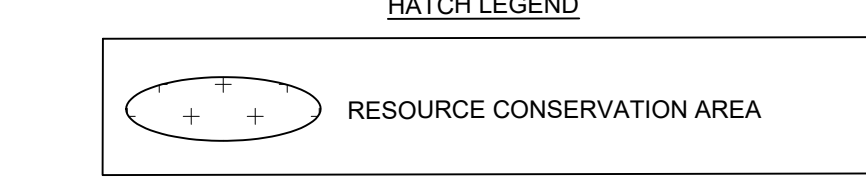
$C = 0.27$
 $I_{1\text{ YEAR}} = 0.120 \text{ IN/HR}$
 $I_{10\text{ YEAR}} = 0.210 \text{ IN/HR}$
 $I_{25\text{ YEAR}} = 0.249 \text{ IN/HR}$
 $A = 5.01 \text{ AC}$

$Q_{1\text{ YEAR}} = 0.163 \text{ CFS}$
 $Q_{10\text{ YEAR}} = 0.284 \text{ CFS}$
 $Q_{25\text{ YEAR}} = 0.337 \text{ CFS}$

THE POST-DEVELOPMENT RATE OF ON-SITE STORMWATER DISCHARGE WILL NOT EXCEED PRE-DEVELOPMENT LEVELS PER UDO SEC. 6.1.7.

A SHARED SCM WILL BE DESIGNED FOR THE PROPOSED SITE AND THE PROPERTY PIN #0742025548 (CURRENTLY WALGREENS). DESIGN CRITERIA TO BE DETERMINED BY DISCUSSION WITH TOWN OF APEX STAFF.

- ENVIRONMENTAL ADVISORY BOARD (EAB) COMMITMENTS:**
- BIODIVERSITY. THE PROJECT WILL PROMOTE BIODIVERSITY THROUGH: (I) PLANTING POLLINATOR-FRIENDLY FLORA; AND PLANTING NATIVE FLORA.
 - GREEN INFRASTRUCTURE. THE PROJECT WILL PROVIDE DIVERSE AND ABUNDANT POLLINATOR AND BIRD FOOD SOURCES (E.G., NECTAR, POLLEN, AND BERRIES FROM BLOOMING PLANTS) THAT BLOOM IN SUCCESSION FROM SPRING TO FALL.
 - GARDENS. THE DEVELOPMENT WILL INCLUDE A COMMUNITY GARDEN AND/OR A NATIVE POLLINATOR DEMONSTRATION GARDEN.
 - DROUGHT RESISTANCE. THE DEVELOPMENT WILL INCLUDE LANDSCAPING THAT REQUIRES LESS IRRIGATION AND CHEMICAL USE AND WARM SEASON GRASSES THAT FACILITATE DROUGHT RESISTANCE.
 - TREES. THE DEVELOPMENT WILL INCREASE THE NUMBER OF NATIVE HARDWOOD TREE SPECIES TO AT LEAST 3 SPECIES.
 - WATER QUALITY. INSTALL SIGNAGE NEAR ENVIRONMENTAL SENSITIVE AREAS IN ORDER TO REDUCE PET WASTE AND ELIMINATE FERTILIZER.
 - WASTE REDUCTION. INSTALL PET WASTE STATION(S).



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REVISION DESCRIPTION	PER TOWN OF APEX COMMENTS

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DATE	DATE
02/11/21	01/08/2021

DRAWN BY
T. DAEKE

DESIGNED BY
R. BAKER

CHECKED BY
R. BAKER

SCALE
AS SHOWN

TIMMONS GROUP

NORTH CAROLINA LICENSE NO. C-1652

EVERGREEN - ABBEY SPRING

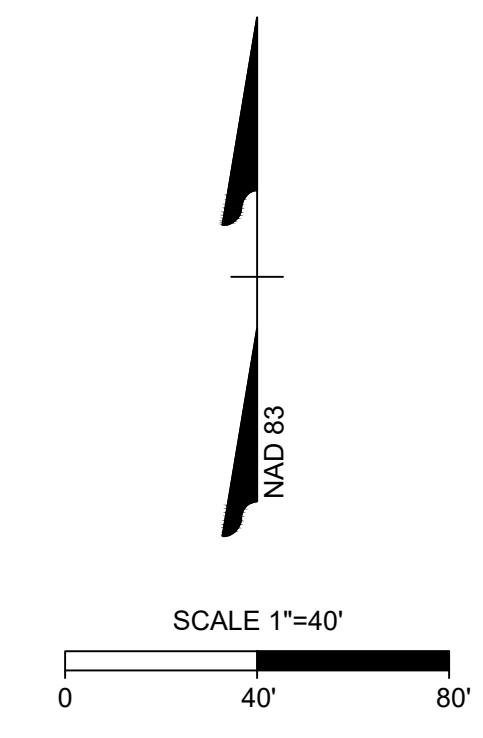
APEX - WAKE COUNTY - NORTH CAROLINA

PUD PLAN

JOB NO.
42601.008

SHEET NO.
C2.0

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- UTILITY NOTES**
1. PROJECT TO BE SERVED BY TOWN OF APEX WATER, SEWER, AND ELECTRIC.
 2. NO WATER AND SEWER EASEMENTS ARE EXPECTED.
 3. ELECTRIC EASEMENTS TO BE PROVIDED AS REQUIRED FOR SERVICE.

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02/26/21	SHEET ADDED PER TOWN OF APEX COMMENTS

DATE
01/08/2021

DRAWN BY
T. DAEKE

DESIGNED BY
R. BAKER

CHECKED BY
R. BAKER

SCALE
AS SHOWN

TIMMONS GROUP

NORTH CAROLINA LICENSE NO. C-1652

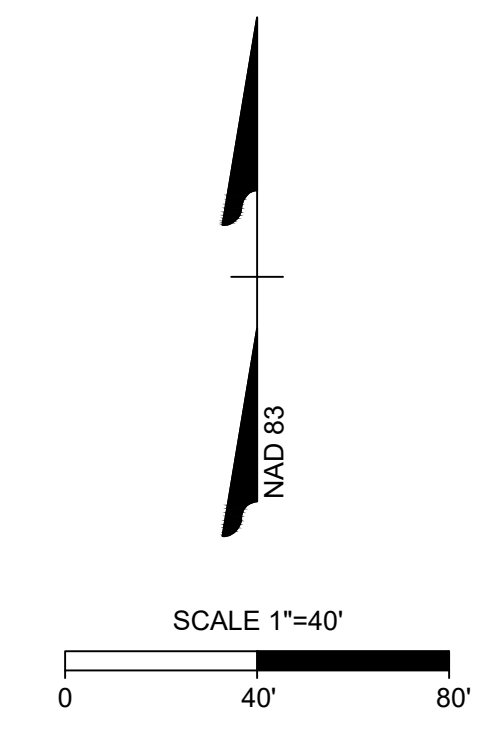
EVERGREEN - ABBEY SPRING

APEX - WAKE COUNTY - NORTH CAROLINA

UTILITY PLAN

JOB NO.
42601.008

SHEET NO.
C3.0



PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

s:\33242601-evergreen_project\008-332-apex\DWG\SheetCD\2601_080C-UTIL.dwg | Plotted on 2/26/2021 1:28 PM | by Trevor Dieke

These plans and associated documents are the exclusive property of TIMMONS GROUP and may not be reproduced in whole or in part and shall not be used for any purpose whatsoever, inclusive, but not limited to construction, bidding, and/or construction staking without the express written consent of TIMMONS GROUP.

The following trip generation information is for the proposed residential development to be constructed in Apex, NC.

The site-generated trips shown in **Table 1** and **2** are based on trip generation information provided in the 10th Edition of the Institute of Transportation Engineer's (ITE's) *Trip Generation Manual* and compare the construction of 84 attached age restricted apartments with the proposed land uses that can be constructed under existing zoning (24,000 square-foot (SF) medical office building, 6,800 SF commercial, and 3,000 SF restaurant with drive-through window). The residential trip generation was calculated using the proposed number of units as the independent variable where the commercial was calculated using the proposed square-footages as the independent variable. The provided equation was used to generate trips for the apartments and shopping center land uses where the provided rate was used to generate trips for the medical office building and fast-food restaurant (per NCDOT standards).

**Table 1: Trip Generation Summary
Senior Apartment Units**

ITE Land Use Code	Independent Variable	Daily			AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total	In	Out	Total
252 - Senior Adult Housing - Attached	84 Units	156	156	312	6	11	17	12	10	22

SOURCE: Institute of Transportation Engineers' *Trip Generation Manual* 10th Edition (2017)

As shown in **Table 1**, AM peak hour trips generated totaled 6 incoming and 11 outgoing where PM peak hour trips totaled 12 incoming and 10 outgoing. Average daily traffic (ADT) volumes generated by the development totaled 312 vehicles per day (VPD).

**Table 2 Trip Generation Summary
Existing Zoning Land Uses**

ITE Land Use Code	Independent Variable	Daily			AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total	In	Out	Total
720 - Medical-Dental Office Building	24,000 SF	417	418	835	52	15	67	23	60	83
820 - Shopping Center	6,800 SF	483	483	966	96	59	155	35	39	74
934 - Fast-Food Restaurant with Drive-Through Window	3,000 SF	706	707	1413	61	60	121	51	47	98
Subtotal		1606	1608	3214	209	134	343	109	146	255
Pass-Bys (820 - 34% PM / 934 - 49% AM & 50% PM)		--	--	--	30	29	59	37	37	74
Total		1606	1608	3214	179	105	284	72	109	181

SOURCE: Institute of Transportation Engineers' *Trip Generation Manual* 10th Edition (2017)

Per **Table 2**, prior to trip reductions due to pass-bys, AM peak hour trips generated totaled 209 incoming and 134 outgoing where PM peak hour trips totaled 109 incoming and 146 outgoing. ADT volumes generated by the development totaled 3,214 vehicles per day. Per NCDOT standards and procedures, pass-by percentages were applied to the projected traffic volumes for the shopping center and fast-food developments. A pass-by percentage of 34% was applied to the PM peak hour traffic for land use code (LUC) 820. Pass-by percentages of 49% and 50% were applied to the AM and PM peak hour traffic for LUC 934, respectively. Following all reductions, trips totaled 179 incoming and 105 outgoing AM peak hour trips and 72 incoming



and 109 outgoing PM peak hour trips for of the proposed development. The ADT volume totaled 3,214 VPD.

A comparison of the two tables revealed a reduction in projected site trips between the existing zoning land uses and the proposed senior apartment units. A difference of 267 trips and 154 trips were calculated during the AM and PM peak hours.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey P. Hochanadel". The signature is fluid and cursive, with the first name being particularly prominent.

Jeffrey P. Hochanadel, PE, PTOE
North Carolina Transportation Department Manager

February 8, 2021

To whom it concerns,

On February 6, 2021, I made a site visit to the Wake County parcel identified as #0742026247 in Apex, NC, to document existing trees 18" DBH and larger, as requested by Rick Baker, PE (Timmons Group). The parcel is located in the SW quadrant of the intersection of West Williams Street (NC 55) and Hunter Street, adjacent to the Walgreens parcel.

The parcel is bounded by NC 55 on its eastern property line, Walgreens on its northern property line, a US post office and the Amherst residential subdivision on its southern property line and the Glen Arbor residential subdivision on the western property line.

The parcel is mostly wooded, with the majority of vegetation consisting of scrub pine. Mature hardwoods and pines with an open understory were witnessed along the western and southern perimeter of the site. Based on the existing vegetation, it is assumed that the property was previously cleared. A constructed stormwater treatment pond is in the middle of the site and a small creek runs north to south through a portion of the property.

Fourteen (14) trees 18" DBH and larger were inventoried on the site. All were either along the perimeter of the property or along the existing creek. Some trees at the SW corner of the property were inaccessible due to a wood privacy fence that prohibited access without crossing private property. These were visually identified as being 18" DBH or larger. All other trees noted were measured. The attached map documents the trees' approximate locations and is based off a field survey that was completed by SEPI in 2015.

Please do not hesitate to reach out to me with any questions about this report.

Respectfully,



Jon Blasco, PLA/ASLA
Timmons Group



LEGEND OF SYMBOLS & ABBREVIATIONS

- THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.
- ⊕ TBM-TEMPORARY BENCHMARK
 - ⊙ BH-BORHOLE
 - ⊙ CP-COMPUTED POINT
 - CO-CLEANOUT
 - EPK-EXISTING PK NAIL
 - EIP-EXISTING IRON PIPE
 - EIR-EXISTING IRON REBAR
 - ⊙ PK5-PK NAIL SET
 - ⊙ P.HOLES-PUNCH HOLE SET
 - ⊙ FH-FIRE HYDRANT
 - ⊙ GM-GAS METER
 - ⊙ GY-GUY WIRE
 - ⊙ IPS-IRON PIPE SET
 - ⊙ LP-LAMP POLE
 - ⊙ MH-MANHOLE
 - ⊙ PP-POWER POLE
 - ⊙ TRBX-TRAFFIC SIGNAL BOX
 - ⊙ SSMH-SANITARY SEWER MANHOLE
 - ⊙ TPED-TELEPHONE PEDESTAL
 - ⊙ TMH-TELEPHONE MANHOLE
 - TREE
 - ⊙ WM-WATER METER
 - ⊙ WV-WATER VALVE
 - ⊙ SDMH-Storm Manhole
 - ⊙ CATCH BASIN
 - DROP INLET
 - ▽ SIGN
 - ▽ SIGN-POST
 - ⊙ TR-POLE-TRAFFIC SIGNAL POLE
 - ⊙ NCGS-NORTH CAROLINA GEODETIC SURVEY
 - ⊙ R/W-MON-RIGHT-OF-WAY MONUMENT
 - WELL

- BOUNDARY LINE
- BOUNDARY ADJACENT LINE
- BOUNDARY PROPERTY TIE
- SETBACK LINE
- LANDSCAPE BUFFER
- EASEMENT PER CONDITIONAL USE PLAN
- EXISTING UNDERGROUND GAS LINE
- EXISTING UNDERGROUND TELEPHONE LINE
- EXISTING UNDERGROUND CABLE
- EXISTING UNDERGROUND WATER
- EXISTING UNDERGROUND ELECTRIC
- EXISTING OVERHEAD POWER LINE
- EXISTING UNDERGROUND WATER
- EXISTING FIBER OPTIC LINE
- EXISTING STORM DRAINAGE LINE
- EXISTING SANITARY SEWER LINE
- EXISTING TREE LINE
- EXISTING MAJOR CONTOUR LINE
- EXISTING MINOR CONTOUR LINE
- EXISTING FENCE
- EXISTING BUILDING LINE
- RIGHT-OF-WAY LINE
- PERMANENT UTILITY EASEMENT
- TRAFFIC SIGNAL LINE

- ▭ EXISTING SIDE WALK HATCH
- ▭ EXISTING RIP RAP

REFERENCES:

DEED BOOK 8770, PAGE 92
 BOOK OF MAPS 2000, PAGE 2283
 BOOK OF MAPS 2003, PAGE 1417
 BOOK OF MAPS 2004, PAGE 165 & 166
 BOOK OF MAPS 2006, PAGE 2021

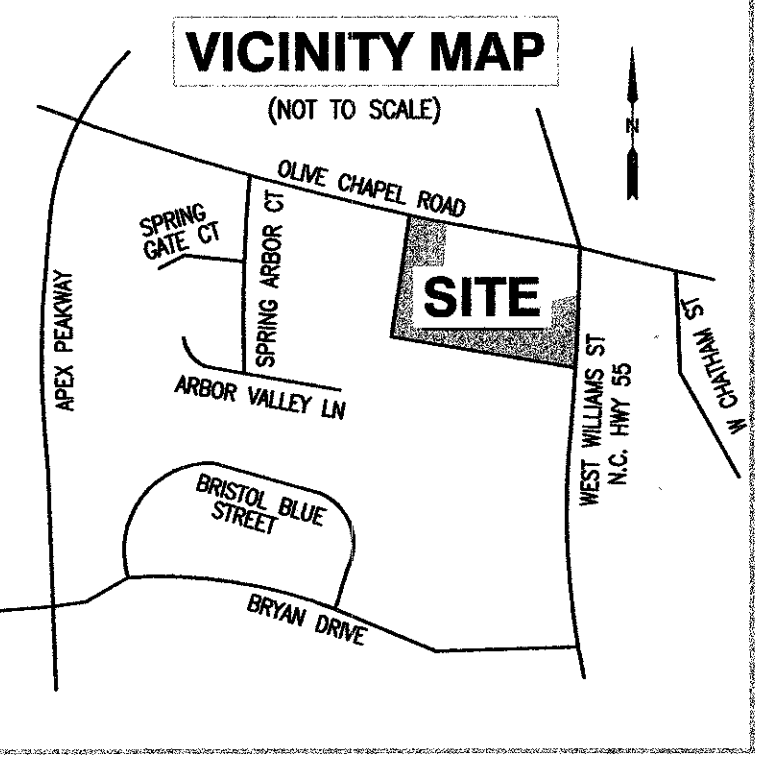
ZONING INFORMATION

ZONING INFORMATION TAKEN FROM LITTLE'S TEST FIT SITE PLAN.
 THE SUBJECT PROPERTY IS ZONED "PUD-CU" PLANNED USE DEVELOPMENT - CONDITIONAL USE
 PARKING REQUIRED (MINIMUM): 1 SPACE/200 S.F. = 165 REQUIRED PARKING SPACES
 PARKING PROVIDED: 177 STANDARD SPACES & ACCESSIBLE SPACES
 FRONT YARD SETBACK (HIGHWAY 55/W WILLIAMS): 20 FEET
 SIDE YARD SETBACK: 20 FEET
 REAR YARD SETBACK: 20 FEET
 LANDSCAPE BUFFERS: VARIES SEE PLAN
 WETLANDS: SITE CONTAINS POSSIBLE WETLANDS
 MAXIMUM BUILDING HEIGHT: 48 FEET
 MAXIMUM BUILT UPON AREA: 60% OF SITE

ITEMS CORRESPONDING TO SCHEDULE B-II

COMMITMENT NO.: 15AM.47471
 SCHEDULE B - SECTION 2 - EXCEPTIONS

1. Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment. DOES NOT AFFECT SURVEY.
2. The lien of all taxes for the year 2015 and thereafter, which are not yet due and payable. DOES NOT AFFECT SURVEY.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
4. Building restriction lines, easements, and any other matters shown on map or plot recorded in Book of Maps 2006, Page 2021; Book of Maps 2004, Pages 165-166; Book of Maps 2000, page 2283; Book of Maps 2003, Page 1417 and Book of Maps 1976, Page 315. AS SHOWN ON SURVEY.
5. Easement(s) or right(s)-of-way in favor of Town of Apex recorded in Book 8612, Page 860 and re-recorded in Book 9612, Page 2590. DOES NOT AFFECT SURVEY - EASEMENT LIES IN THE NE QUADRANT OF NC HWY 55 AND HUNTER STREET.
6. Easement and Restriction Agreement with MD/CP-Apex, LLC recorded in Book 11303, Page 499. AS SHOWN ON SURVEY
7. Rights or claims of parties in possession as tents under unrecorded leases. NONE OBSERVED
8. Statutory liens of mechanics, laborers and materialmen that have performed or furnished labor, professional design or surveying services, or furnished materials or rental equipment of which no notice appears of record. (NOTE: This exception will be deleted only upon receipt of documentation satisfactory to the Company satisfying the Material and Labor Liens requirements set out in Scheduled B-1 of this Commitment.). NONE OBSERVED



RECORD DESCRIPTION

EXHIBIT "A"
 Lying and being in Wake County, North Carolina, and more particularly described as follows:
 All of (i) Lot 1 containing approximately 4.250 acres, (ii) Lot 1A containing approximately 0.149 acre, (iii) Lot 2 containing approximately 1.714 acres, (iv) Lot 2A containing approximately 0.322 acre, (v) Lot 2B containing approximately 0.004 acre, (vi) Lot 3 containing approximately 0.658 acre, (vii) Lot 3A containing approximately 0.432 acre, (viii) Lot 4 containing approximately 1.178 acres and (ix) Lot 4A containing approximately 0.432 acre all shown on that plat entitled "Recombination Survey for McIver Family" dated July 13, 2000, prepared by Smith and Smith Surveyors and recorded in Book of Maps 2000, Page 2283, Wake County Registry.
 This being the same property conveyed to Seller pursuant to North Carolina Non-Warranty Deed recorded in Book 8770, Page 92 of Wake County Register of Deeds.
 LESS AND EXCEPT that certain 2.80 acres, 121,962 sq. ft. shown on that certain Final Recombination Plat, prepared for McIver Family Holdings LLC, by Hunter Civil Technologies, PLLC, dated September 8, 2003, and recorded in Book of Maps 2004, Page 165 and 166 of the Wake County Registry which was conveyed to MD/CP-Apex, LLC by Deed recorded in Book 11303, Page 499 of the Wake County Registry.
 The foregoing tract also being known as that certain 5.01 acres, 218,026 sq. ft., on that certain Final Recombination Plat prepared for McIver Family Holdings LLC by Hunter Civil Technologies, PLLC dated September 8, 2003, and recorded in Book of Maps 2004, Page 165 and 166 of the Wake County Registry.

SURVEY DESCRIPTION

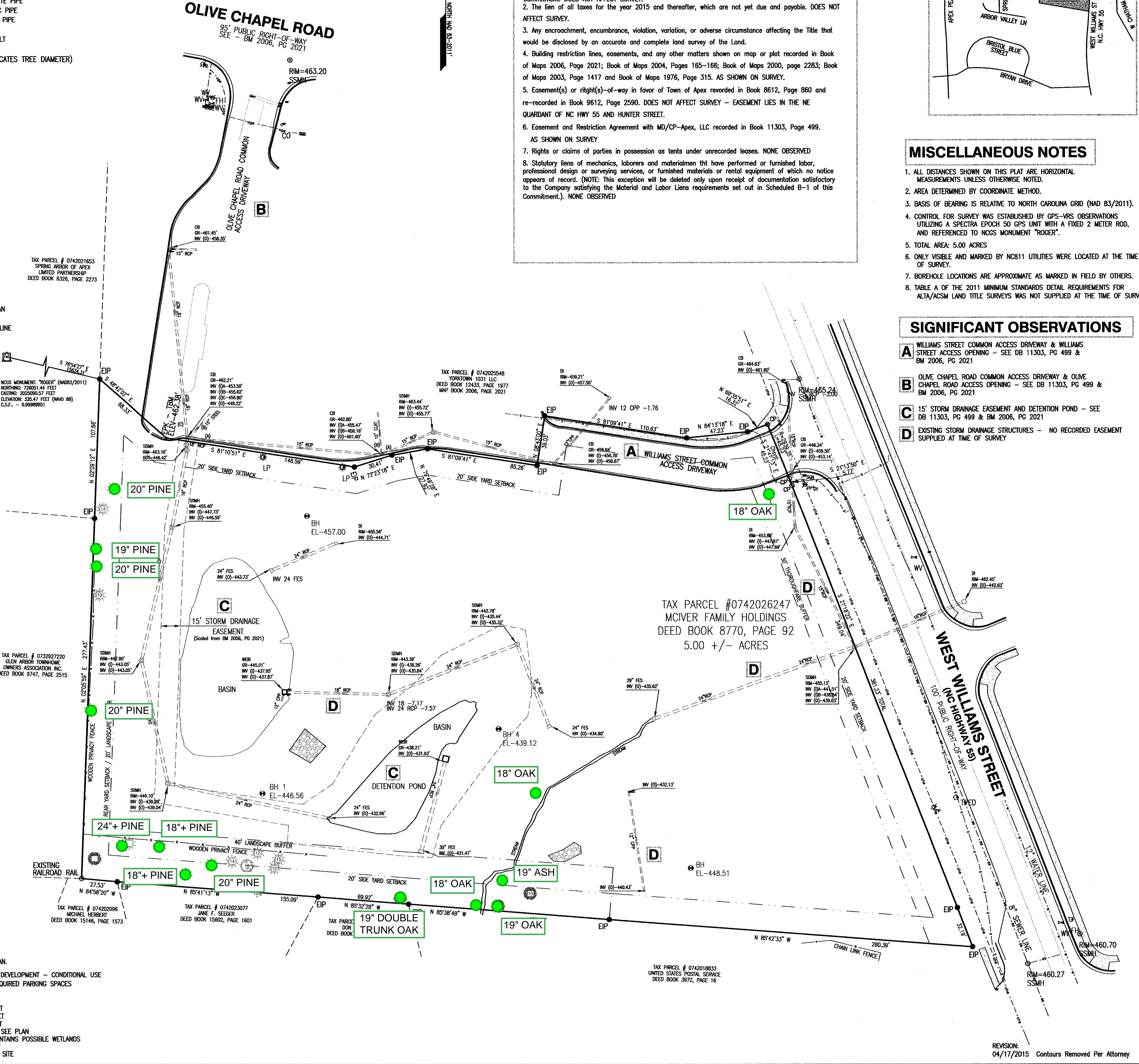
Lying and being in White Oak Township, Wake County, North Carolina and being more particularly described as follows:
 BEGINNING at an existing iron pipe being the common corner of the property owned by Yorktown 1031 LLC (now or formerly) as described in that instrument recorded in Book 12433, Page 1977 and shown on Book of Maps 2006, Page 2021 and in the eastern boundary line of property owned by Spring Arbor of Apex Limited Partnership (now or formerly) as described in that instrument recorded in Book 8326, Page 2273 in the Wake County Public Registry, said existing iron pipe being located South 76° 54' 27" East 15,634.31 feet from N.C.G.S. Monument "Roger" having NAD 83 (2011) North Carolina State Plane Grid Coordinates N=726,051.44 feet and E=2,025,090.57 feet, with a combined grid reduction factor of 0.99989851; thence with the southern boundary of aforesaid property the following nine (9) courses and distances: (1) South 48° 42' 02" East 68.33 feet to an existing PK Nail and (2) South 81° 10' 51" East 146.59 feet to an existing iron pipe and (3) North 72° 23' 18" East 30.41 feet to an existing iron pipe and (4) North 73° 49' 28" East 27.92 feet to an existing iron pipe and (5) South 81° 09' 41" East 85.26 feet to an existing iron pipe and (6) North 08° 43' 00" East 39.03 feet to an existing iron pipe and (7) South 81° 09' 41" East 110.63 feet to an existing iron pipe and (8) North 84° 13' 18" East 47.23 feet to an existing iron pipe and (9) North 69° 35' 51" East 16.32 feet to a computed point on the western margin of West Williams Street (also known as NC Highway 55) having a 100 foot public right-of-way, thence with the western margin of the right-of-way of aforesaid street the following three (3) courses and distances: (1) with a curve to the right having a radius of 2939.35 feet and an arc length of 45.23 feet, having a chord of South 21° 42' 13" East 45.23 feet to a computed point and (2) South 21° 13' 50" East 5.77 feet to a computed point and (3) South 21° 18' 22" East (passing an iron pipe at 348.04 feet) for a total distance of 381.23 feet to an existing iron pipe being the common corner of the property owned by the United States Postal Service as described in that instrument recorded in Book 3972, Page 16 in that aforesaid Registry; thence leaving aforesaid street and following the northern boundary of aforesaid property North 85° 42' 33" West 280.39 feet to an existing iron pipe, continuing with aforesaid property North 85° 38' 49" West 155.03 feet to an existing iron pipe marking the northeast corner of the property owned by Don E. Thomas (now or formerly) as described in that instrument recorded in Book 6803, Page 244 in that aforesaid Registry; thence with the northern boundary of aforesaid property North 85° 32' 28" West 69.92 feet to an existing iron pipe marking the northwest corner of aforesaid property and the northeast corner of property owned by Jane F. Seeger (now or formerly) as described in that instrument recorded in Book 15602, Page 1601 in that aforesaid Registry; thence with the northern boundary of aforesaid property North 85° 41' 13" West 155.09 feet to an existing iron pipe marking the northwest corner of aforesaid property and marking the northeast corner of property owned by Michael Herbert (now or formerly) as described in that instrument recorded in Book 15146, Page 1573 in that aforesaid Registry; thence with the northern boundary of aforesaid property North 84° 58' 20" West 27.53 feet to an existing railroad rail marking the southeast corner of property owned by Glen Arbor Townhome Associations Inc. (now or formerly) as described in that instrument recorded in Book 9747, Page 2515 in that aforesaid Registry; thence with eastern boundary of aforesaid property North 02° 05' 59" East 277.43 feet to an existing iron pipe marking the northeast corner of the aforesaid property and marking the southeast corner of the property owned by Spring Arbor of Apex Limited Partnership (now or formerly) as described in that instrument recorded in Book 8326, Page 2273 in that aforesaid Registry; thence with the eastern boundary of aforesaid property North 02° 09' 12" East 107.66 feet to the POINT OR PLACE OF BEGINNING, containing 5.00 acres, more or less, as shown on survey titled "ALTA/ACSM Land Title Survey of Lands For: MGP Retail Consulting, LLC, West Williams Street (aka: NC Highway 55), dated March 18, 2015, and prepared by Michael D. Case of SEPI Engineering & Construction, N.C.P.L.S. No. L-2828.

MISCELLANEOUS NOTES

1. ALL DISTANCES SHOWN ON THIS PLAT ARE HORIZONTAL MEASUREMENTS UNLESS OTHERWISE NOTED.
2. AREA DETERMINED BY COORDINATE METHOD.
3. BASIS OF BEARING IS RELATIVE TO NORTH CAROLINA GRID (NAD 83/2011).
4. CONTROL FOR SURVEY WAS ESTABLISHED BY GPS-VRS OBSERVATIONS UTILIZING A SPECTRA EPOCH 50 GPS UNIT WITH A FIXED 2 METER ROD, AND REFERENCED TO NCGS MONUMENT "ROGER".
5. TOTAL AREA: 5.00 ACRES
6. ONLY VISIBLE AND MARKED BY NCGS11 UTILITIES WERE LOCATED AT THE TIME OF SURVEY.
7. BOREHOLE LOCATIONS ARE APPROXIMATE AS MARKED IN FIELD BY OTHERS.
8. TABLE A OF THE 2011 MINIMUM STANDARDS DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS WAS NOT SUPPLIED AT THE TIME OF SURVEY.

SIGNIFICANT OBSERVATIONS

- A WILLIAMS STREET COMMON ACCESS DRIVEWAY & WILLIAMS STREET ACCESS OPENING - SEE DB 11303, PG 499 & BM 2006, PG 2021
- B OLIVE CHAPEL ROAD COMMON ACCESS DRIVEWAY & OLIVE CHAPEL ROAD ACCESS OPENING - SEE DB 11303, PG 499 & BM 2006, PG 2021
- C 15' STORM DRAINAGE EASEMENT AND DETENTION POND - SEE DB 11303, PG 499 & BM 2006, PG 2021
- D EXISTING STORM DRAINAGE STRUCTURES - NO RECORDED EASEMENT SUPPLIED AT TIME OF SURVEY



SURVEY CERTIFICATION

I, Michael D. Case, PLS indicate to one or more of the following as indicated thus: "X"
 A. That this plot is of a survey that creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
 B. That this plot is of a survey that is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
 C. That this plot is of a survey of an existing parcel or parcels of land;
 D. That this plot is of a survey of another category, such as the recombination of existing parcels; a court-ordered survey or other exceptions to the definition of subdivision.
 E. That the information available to this surveyor is such that I am unable to make a determination to the best of my professional ability as to provisions contained in (a) through (d) above.
 Surveyor: *Michael D. Case*

ALTA/ACSM LAND TITLE SURVEY

FOR:
MGP RETAIL CONSULTING, LLC
 WEST WILLIAMS STREET (AKA: NC HIGHWAY 55)
 TOWN OF APEX
 WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

SURVEYOR'S CERTIFICATION
 TO: MGP RETAIL CONSULTING, LLC AND FIDELITY NATIONAL TITLE INSURANCE COMPANY, TOGETHER WITH THEIR RESPECTIVE SUCCESSOR AND/OR ASSIGNS.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND DOES NOT INCLUDE ITEMS 1-22 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MARCH 18, 2015.

REGISTER SURVEYORS: MICHAEL D. CASE
 PROFESSIONAL LAND SURVEYOR NO.: 2828
 STATE OF NORTH CAROLINA
 DATE OF SURVEY: MARCH 18, 2015
 DATE LAST REVISION: APRIL 17, 2015
 DATE PRINTED: APRIL 17, 2015

SEPI ENGINEERING & CONSTRUCTION
 1025 WIDE AVENUE
 RALEIGH, NORTH CAROLINA
 9 1 9 7 8 9 8 7 7
 11020 DAVID TAYLOR DRIVE, SUITE 115
 CHARLOTTE, NORTH CAROLINA
 7 0 4 7 1 4 4 8 8 0
 5030 NEW CENTRE DRIVE, SUITE B
 WILMINGTON, NORTH CAROLINA
 9 1 0 3 2 3 5 7 1 5
 WWW.SEPIENGINEERING.COM
 INFO @ SEPIENGINEERING.COM
 COMPANY LICENSE C-2197
 TRANSPORTATION + TRAFFIC + SURVEYING
 ENVIRONMENTAL + SITE CIVIL + INSPECTIONS

GRAPHIC SCALE 1"=40'
 DRAWN BY: ERIC CASE
 CHECKED BY: MICHAEL D. CASE
 PROJECT MANAGER: MICHAEL D. CASE
 JOB: SR15.003.01

W:\SURVEY\PROJECTS-2015\LITTLE\SR15.003.01 MGP RETAIL NEW STORE ROLLOUT - APEX\DWG\LEGAL REVISION - NO CONTOURS.DWG

REVISION: 04/17/2015 Contours Removed Per Attorney



WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ02 Abbey Spring PUD

Planning Board Meeting Date: March 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: ±5.01 acres

PIN(s): 0742026247

Current Zoning: Planned Unit Development (PUD-CU #02CU13)

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

2045 Land Use Map: High Density Multifamily/Commercial Services (A)

Town Limits: Inside

Applicable Officially Adopted Plans:

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

2045 Land Use Map
 Consistent Inconsistent Reason: _____

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ02 Abbey Spring PUD

Planning Board Meeting Date: March 8, 2021



Legislative Considerations:

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

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ02 Abbey Spring PUD

Planning Board Meeting Date: March 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: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ02 Abbey Spring PUD

Planning Board Meeting Date: March 8, 2021



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Mark Steele

Seconded by Planning Board member: Keith Braswell

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

Conditions proposed by applicant.

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

With 5 Planning Board Member(s) voting "aye"

With 1 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

Sherman - concerned about USPS doing a disservice because neighbors are not getting notice in time to participate; otherwise supportive of the project - just want the neighbors' concerns to be heard.

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

Attest:

Michael Marks Digitally signed by Michael Marks
Date: 2021.03.09 14:51:11 -05'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2021.03.08 19:30:24 -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 #21CZ02
Abbey Spring PUD**

Pursuant to the provisions of North Carolina General Statutes §160A-364 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Authorized Agent: Isabel Worthy Mattox, Mattox Law Firm
Property Address: 0 W. Williams Street
Acreage: 15.01 acres

Property Identification Number (PIN): 0742026247
Current 2045 Land Use Map Designation: Commercial Services/Office Employment
Proposed 2045 Land Use Map Designation*: High Density Multifamily/Commercial Services (A)
*This amendment is part of a larger series of Town-initiated amendments to the 2045 Land Use Map. The public hearing is scheduled for February 23, 2021. For more information visit <http://www.apexnc.org/DocumentCenter/View/34483>.
Existing Zoning of Properties: Planned Unit Development-Conditional Use (PUD-CU #02CU13)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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

If you would like to speak during the public hearing, you may sign-in ahead of time by emailing your name and address to ponnie_brock@apexnc.org. You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/s/townofapexgov>.

If you are unable to attend, you may provide comments no later than noon on Friday, March 5, 2021 by email (public_hearing@apexnc.org, 350-word limit) or voicemail (919-962-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397/>. You must provide your name and address for the record. These comments will be read during the Planning Board meeting.

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 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/maps>. The 2045 Land Use Map may be viewed online at 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: <http://www.apexnc.org/DocumentCenter/View/34302>.

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

Published Dates: February 23-March 8, 2021





TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-349-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ02
Abbey Spring PUD**

Pursuant to the provisions of North Carolina General Statutes §160A-364 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/Authorized Agent: Isabel Worthy Mattox, Mattox Law Firm
Property Address: 0 W. Williams Street
Acreage: 13.01 acres
Property Identification Number (PIN): 0742026247
2045 Land Use Map Designation: High Density Multifamily/Commercial Services (A)
Existing Zoning of Property: Planned Unit Development-Conditional Use (PUD-CU #02CU13)
Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Comments received prior to or during the Planning Board public hearing will not be read during the Town Council public hearing. Separate comments must be provided for the two public hearings in the time frames specified below.

Town Council Public Hearing Date and Time: March 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>.

If you are unable to attend, you may provide comments no sooner than Monday, March 8, 2021 but no later than noon on Monday, March 22, 2021 by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397>. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

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Vicinity Map:



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

Published Dates: February 26-March 23, 2021





TOWN OF APEX
POST OFFICE BOX 230
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**REVISED PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ02
Abbey Spring PUD**

Pursuant to the provisions of North Carolina General Statutes §160A-364 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/Authorized Agent: Isabel Worthy Mattox, Mattox Law Firm
Property Address: 0 W. Williams Street
Acreage: ±5.01 acres
Property Identification Number (PIN): 0742026247
2045 Land Use Map Designation: High Density Multifamily/Commercial Services (A)
Existing Zoning of Property: Planned Unit Development-Conditional Use (PUD-CU #02CU13)
Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Comments received prior to or during the Planning Board public hearing will not be read during the Town Council public hearing. Separate comments must be provided for the two public hearings in the time frames specified below.

Town Council Remote Public Hearing Date and Time: March 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>.

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

Published Dates: ~~February 26~~ March 16-March 23, 2021



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ02 Abbey Spring PUD

Pursuant to the provisions of North Carolina General Statutes §160A-364 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Authorized Agent: Isabel Worthy Mattox, Mattox Law Firm

Property Address: 0 W. Williams Street

Acreage: ±5.01 acres

Property Identification Number (PIN): 0742026247

Current 2045 Land Use Map Designation: Commercial Services/Office Employment

Proposed 2045 Land Use Map Designation*: High Density Multifamily/Commercial Services (A)

*This amendment is part of a larger series of Town-initiated amendments to the 2045 Land Use Map. The public hearing is scheduled for February 23, 2021. For more information visit <http://www.apexnc.org/DocumentCenter/View/34483>.

Existing Zoning of Properties: Planned Unit Development-Conditional Use (PUD-CU #02CU13)

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

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

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

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Director of Planning and Community Development



TOWN OF APEX

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



TOWN OF APEX

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

REVISED PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #21CZ02
Abbey Spring PUD

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- 2045 Land Use Map Designation:** High Density Multifamily/Commercial Services (A)
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Dianne F. Khin, AICP
Director of Planning and Community Development



Rezoning #21CZ02

Glen Arbor

Walgreens

Apex Funeral Home

Amherst

Public Hearing Sign Posted By

[Signature]
Signature

1/8/2021
Date

January, 2021
September 2020 Aerial Photography
Prepared by: Town of Apex Planning Department

0 250 500
Feet



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 #21CZ02
 Abbey Spring PUD
 Project Location: 0 W. Williams Street
 Applicant or Authorized Agent: Isabel Worthy Mattox, Mattox Law Firm
 Firm: Mattox Law Firm

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 February 23, 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 within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

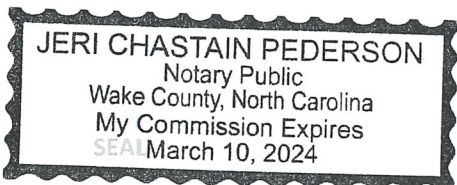
2-23-2021
 Date

Liz Loftis for Dianne Khin
 Director of Planning & Community Development

STATE OF NORTH CAROLINA
 COUNTY OF WAKE

Sworn and subscribed before me, *Jeri Chastain Pederson*, a Notary Public for the above

State and County, this the 23 day of February, 2021.



Jeri Chastain Pederson
 Notary Public

My Commission Expires: 3/10/2024



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 #21CZ02
Abbey Spring PUD
Project Location: 0 W. Williams Street
Applicant or Authorized Agent: Isabel Worthy Mattox, Mattox Law Firm
Firm: Mattox Law Firm

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 February 26, 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 within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

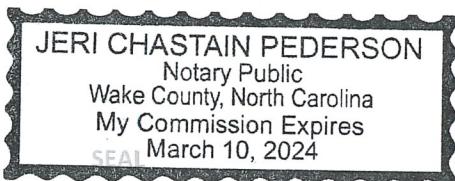
2-26-2021
Date

Diz Dalton for Dianne Khin
Director of Planning & Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above

State and County, this the 26 day of February, 2021.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 3 / 10 / 2024



February 26, 2021

Jay Keller
Principal
Keller Environmental
(919) 749-8259 cell
(984) 242-4416 fax

Subject: Stream Buffer Determination
W. Williams Street- Abbey Spring
Cape Fear River Basin

Apex 20-007

Dear Mr. Keller,

On February 25th, 2021, Mr. James Misciagno went to the subject site to evaluate 2 (2) drainage features and determine if they are subject to the Town of Apex (Town) riparian buffer rules. Based on the information obtained during the site visit and per the requirements set forth in Section 6.1.11 of the Town Unified Development Ordinance (UDO), I concur with the stream classifications as shown on the attached sketch initialed by James Misciagno on February 26, 2021

Drainage Feature	Shown as on USGS	Shown as on Soil Survey	Determination made in the field	Determined Buffer Width
Feature S1A	Not Present	Intermittent	Intermittent	50 feet
Feature S1	Not Present	Not Present	Ephemeral	0 feet

This on-site determination shall expire five (5) years from the date of this letter. Landowners or affected parties that dispute a determination made by the Division of Water Resources (DWR) or Delegated Local Authority in the Jordan Lake watershed may request a determination by the DWR Director.

An appeal request must be made within sixty (60) days of date of this letter or from the date the affected party (including downstream and/or adjacent owners) is notified of this letter. A request for a determination by the Director shall be referred to the Director in writing c/o Karen Higgins, DWR – 401 & Buffer Permitting Unit; 1617 Mail Service Center, Raleigh, NC 27699-1617. Otherwise the appeal procedure will be in accordance with UDO Section 6.1.11.

If you dispute the Director's determination, you may file a petition for an administrative hearing. You must file the petition with the Office of Administrative Hearings within sixty (60) days of receipt of this notice of decision. A petition is considered filed when it is received in the Office of Administrative Hearings

during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00am and 5:00pm, except for official State holidays.

To request a hearing, send the original and one (1) copy of the petition to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714. A copy of the petition must also be served to the Department of Natural Resources, c/o Mary Penny Thompson, General Counsel, 1601 Mail Service Center, Raleigh, NC 27699-1601.

This determination is final and binding unless, as detailed above, you ask for a hearing or appeal within sixty (60) days. This project may require a Section 404/401 Permit for the proposed activity. Any inquiries should be directed to the US Army Corp of Engineers (Raleigh Regulator Field Office) at (919) 554-4884. If you have any questions, please do not hesitate to contact me at (919) 249-3413.

Sincerely,

A handwritten signature in black ink, appearing to read 'JB', with a long horizontal stroke extending to the right.

Jessica Bolin, PE
Environmental Engineering Manager



Riparian Buffer Call Application

This application is required to be fully completed and submitted to Town staff prior to conducting a buffer call. Please submit the application package electronically to jessica.bolln@apexnc.org.

PROPERTY INFORMATION

Owner(s): Lidl US Operations LLC

Site Address: 0 West Williams St, Apex NC 27502

CONSULTANT INFORMATION (If applicable)

Name: Jay Keller

Address: 7921 Haymarket Ln

Email: jay@kellerenvironmental.com

Phone: (919) 749-8259

CHECKLIST

Please place a checkmark in the spaces provided below to indicate that the required information has been provided with this submittal.

Right of Entry Form	<input checked="" type="checkbox"/>
NCDEQ Stream Identification Forms (v. 4.11)	<input checked="" type="checkbox"/>
Sketch Map*	<input checked="" type="checkbox"/>

Topo Map (most recent version)	<input checked="" type="checkbox"/>
1970 Wake County Soil Survey Map	<input checked="" type="checkbox"/>

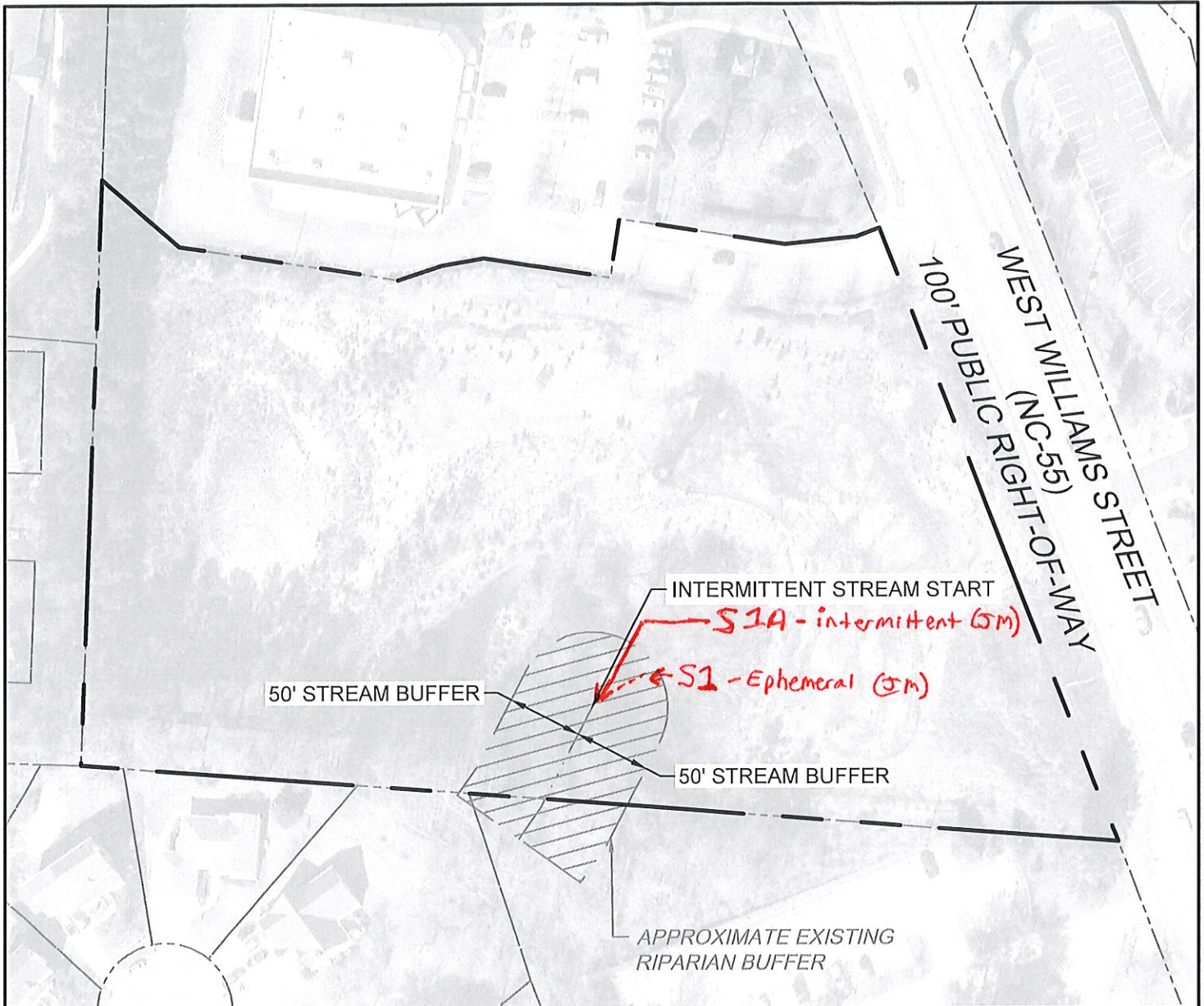
*Sketch map should show all drainage features on the property with all applicable riparian buffers shown. Please clearly indicate or list which features are being called with this application.

NOTES

SIGNATURE (Consultant or Responsible Party)

By my signature below, I certify that the information provided with this application is accurate and truthful.

Date: 2/25/21



LEGEND	
	SITE PROPERTY LINE
	ADJACENT PROPERTY LINE
	EXISTING INTERMITTENT STREAM
	RIPARIAN BUFFER

SM confirmed origin flag locations 2/15/2021

SM 2/16/2021 [Signature]



SCALE 1"=100'



TIMMONS GROUP

YOUR VISION ACHIEVED THROUGH OURS.

THIS DRAWING PREPARED AT THE
RALEIGH OFFICE
5410 Trinity Road, Suite 102 | Raleigh, NC 27607
TEL 919.866.4951 FAX 919.833.8124 www.timmons.com

JOB NO. 42601.008	SHEET NO. EX1.0	EVERGREEN - ABBEY SPRING TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA INTERMITTENT STREAM EXHIBIT	SCALE AS SHOWN	DESIGNED BY R. BAKER	CHECKED BY R. BAKER	DRAWN BY T. DAENE	DATE 02/26/2021	DATE	REVISION DESCRIPTION

These plans and associated documents are the exclusive property of TIMMONS GROUP and may not be reproduced in whole or in part and shall not be used for any purpose whatsoever, inclusive, but not limited to construction, bidding, and/or construction staking without the express written consent of TIMMONS GROUP.

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.11

S1A

NC DWQ Stream Identification Form Version 4.11

Date: 2/23/21	Project/Site: Abbey Spring	Latitude: 35.7432
Evaluator: JK	County: Wake	Longitude: -78.8630
Total Points: Stream is at least intermittent if ≥ 19 or perennial if $\geq 30^*$ 27	Stream Determination (circle one) Ephemeral <input type="radio"/> Intermittent <input checked="" type="radio"/> Perennial <input type="radio"/>	Other e.g. Quad Name: Apex

A. Geomorphology (Subtotal = 17.5)	Absent	3 Weak	7 Moderate	7.5 Strong
1 ^a . Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

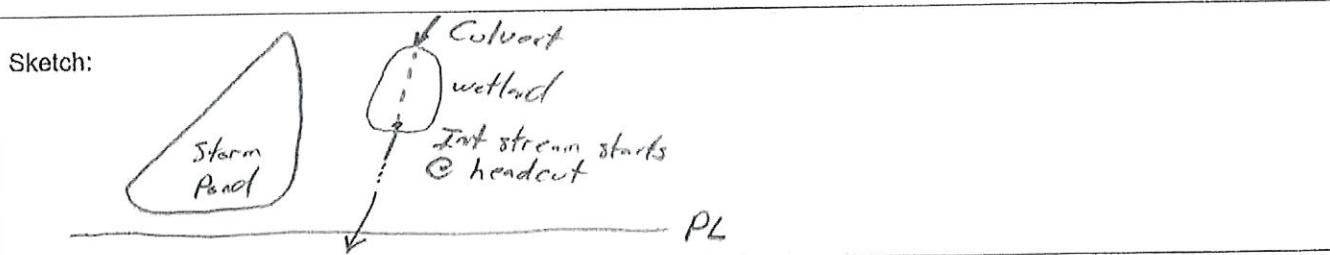
^aartificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 4)	Absent	3 Weak	7 Moderate	7.5 Strong
12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 5.5)	Absent	3 Weak	7 Moderate	7.5 Strong
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macroinvertebrates (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:



JK 2/26/21

S1

NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.11

NC DWQ Stream Identification Form Version 4.11

Date: 2/23/21	Project/Site: Abbey Spring	Latitude: 35.7344
Evaluator: JK	County: Wake	Longitude: -78.8629
Total Points: Stream is at least intermittent if ≥ 19 or perennial if $\geq 30^*$ 16.75	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other e.g. Quad Name: Apex

A. Geomorphology (Subtotal = 6.5)	Absent	Weak	Moderate	Strong
1 ^a Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

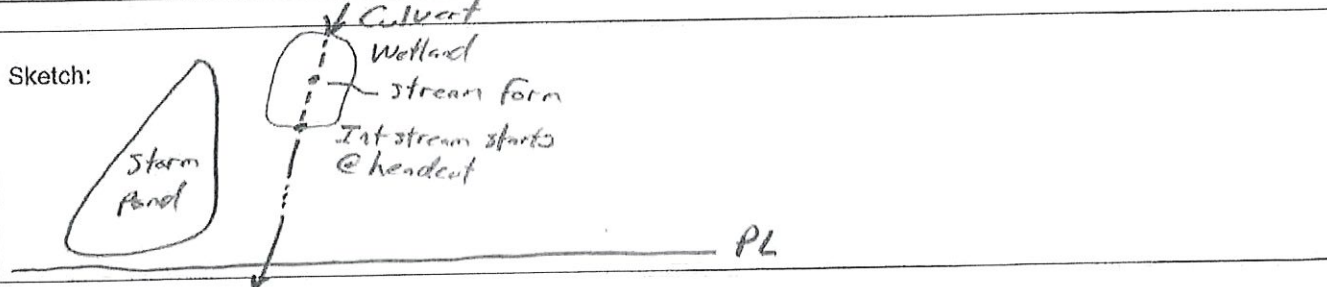
^a artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 6)	Absent	Weak	Moderate	Strong
12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 4.25)	Absent	Weak	Moderate	Strong
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macroinvertebrates (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:



JK 2/23/21

Right of Entry Memo

Site Overview

Region	CLT
Store Number	1066
Town	Apex
Address	0 West Williams Street
State	North Carolina

Memorandum Overview

Topic	
Description	This Right of Entry Form gives the Town of Apex permission to enter the subject property for the purposes of conducting environmental investigations. This does not convey any ownership and the Town and it's representatives assume all risks.


Director of Real Estate

Senior Director of Real Estate

Megan Sizemore

Director of Real Estate (Print Name)

Connor Bevans

Senior Director of Real Estate (Print Name)

JM 2/26/2021

NORTH CAROLINA
WAKE COUNTY

RIGHT OF ENTRY

This Right of Entry is executed this 22nd day of February, 2021 by Lidl US Operations LLC and _____ (the “_____”).

WHEREAS, the Town of Apex (“Town”) is seeking to make a stream buffer determination across the property known as 0 West Williams St in the Town of Apex, North Carolina and designated as PIN # 0742026247 by the Wake County Revenue Department (the “**Subject Property**”);

WHEREAS, the Lidl US Operations LLC are agreeable to provide the Town with this Right of Entry under the terms and conditions stated herein so that the above referenced determination may proceed.

NOW THEREFORE in light of the above premises, the Lidl US Operations LLC do hereby grant and give freely and without coercion, the right of access and entry to the Subject Property on the terms and conditions as stated below:

1. The Town of Apex and its contractors may enter the Subject Property for the purpose of conducting on-site environmental investigations and issuing a determination based on those investigations as it relates to stream buffer determination.
2. This Right of Entry does not convey to the Town any title or ownership interest in the Subject Property.
3. The Town and its employees, contractors, agents and representatives enter upon the Subject Property at their own risk and assume all risks related to the property.
4. The undersigned agrees and warrants to hold harmless the Town of Apex, its agencies, departments, contractors, and subcontractors, and discharges and waives any action, either equitable or legal that arise from the activities described above on the property except in the case of negligence by the Town.

Witness: _____



By: _____



By: _____

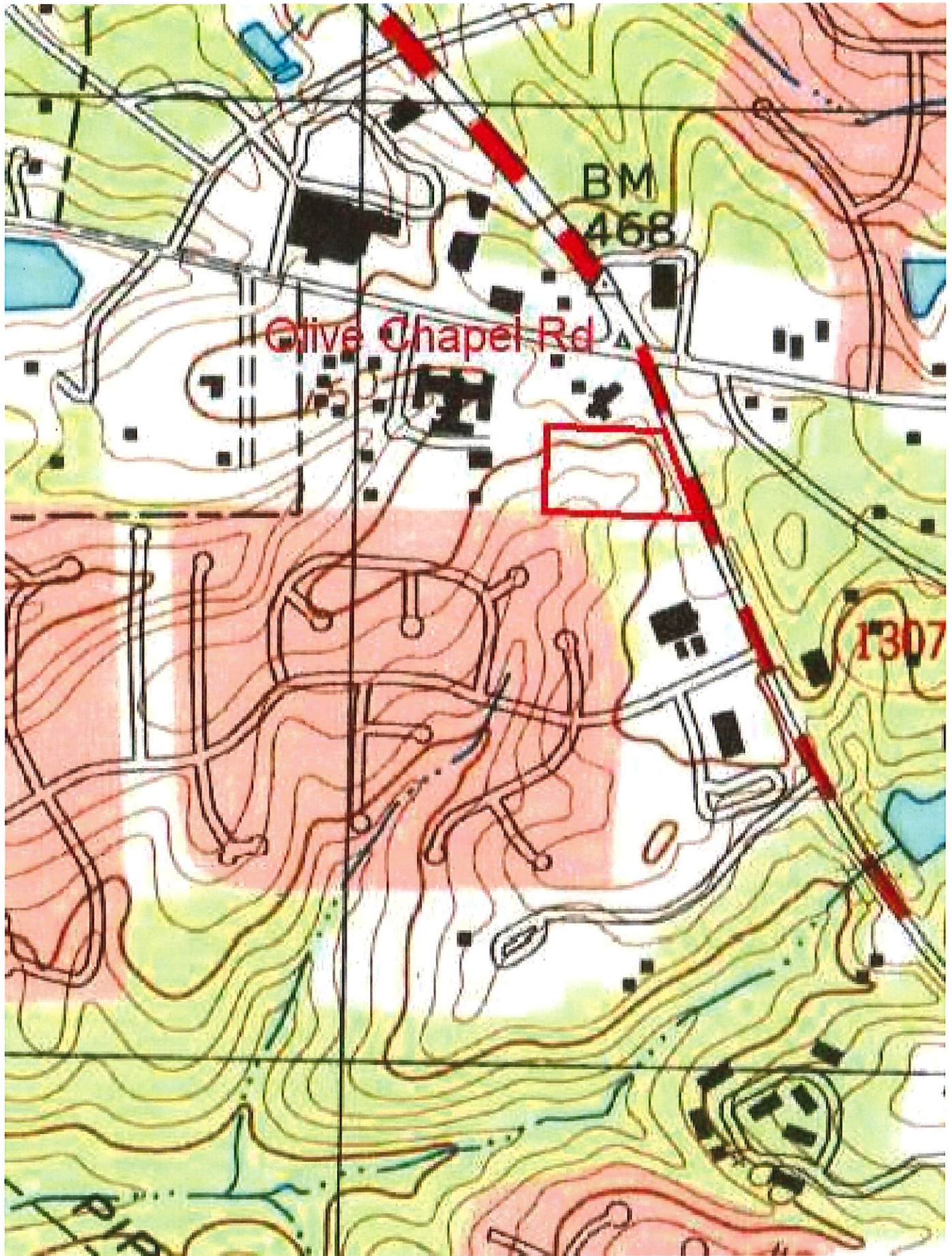


JM 2/26/2021



Soils - Intermittent

JM/2/26/2021



USGS NOT present

MS 2/20/2021