

**STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 60.97 ACRES LOCATED AT 3601 AND 3609 US 64 HWY W AND 0 OLIVE CHAPEL ROAD FROM RURAL RESIDENTIAL (RR) AND WAKE CO. R-80W TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)**

**#21CZ12**

**WHEREAS**, Ryan Linker, GCI Acquisitions, LLC, owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 3<sup>rd</sup> day of May 2021 (the “Application”). The proposed conditional zoning is designated #21CZ12;

**WHEREAS**, the Director of Planning and Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #21CZ12 before the Planning Board on the 13<sup>th</sup> day of September 2021;

**WHEREAS**, the Apex Planning Board held a public hearing on the 13<sup>th</sup> day of September 2021, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #21CZ12. A motion was made by the Apex Planning Board to recommend approval of the zoning conditions as recommended by staff; the motion passed unanimously for the application for #21CZ12;

**WHEREAS**, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #21CZ12 before the Apex Town Council on the 28<sup>th</sup> day of September 2021;

**WHEREAS**, the Apex Town Council held a public hearing on the 28<sup>th</sup> day of September 2021. Shelly Mayo, Planner II, presented the Planning Board's recommendation at the public hearing;

**WHEREAS**, all persons who desired to present information relevant to the application for #21CZ12 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

**WHEREAS**, the Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates the site as Low Density Residential and as Mixed Use: High Density Residential/Office Employment/Commercial Services. The proposed rezoning includes nonresidential uses and residential uses at densities supported by the 2045 Land Use Map. The Apex Town Council has further considered that the proposed rezoning to Planned Unit Development – Conditional Zoning (PUD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map;

**WHEREAS**, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The rezoning will permit a variety of energy efficient housing types, increase non-residential development opportunities, and contribute to the affordable housing fund.; and

**WHEREAS**, the Apex Town Council by a vote of \_\_\_ and \_\_\_ approved Application #21CZ12 rezoning the subject tracts located at 3601 and 3609 US 64 Hwy W and 0 Olive Chapel Rd. from Rural Residential (RR) and Wake Co. R-80W to Planned Unit Development-Conditional Zoning (PUD-CZ).

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

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

**STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP  
#21CZ12**

**Section 2:** The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from Rural Residential (RR) and Wake County R-80W to Planned Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

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

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

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

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

Motion by Council Member \_\_\_\_\_

Seconded by Council Member \_\_\_\_\_

With \_\_\_\_ Council Member(s) voting "aye."

With \_\_\_\_ Council Member(s) voting "no."

This the \_\_\_\_ day of \_\_\_\_\_ 2021.

**TOWN OF APEX**

\_\_\_\_\_  
Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

Application #: 2021-002

Submittal Date: 5-3-21

Insert legal description below.

## Attachment A:

### AS SURVEYED LEGAL DESCRIPTION

**TRACT 1 LEGAL DESCRIPTION (PIN NO. 0712949922) JOEL BOND AND CHRISTIANE BOND**

BEGINNING AT A NEW IRON PIPE LOCATED ON THE SOUTHERN RIGHT OF WAY OF US HWY 64 AND HAVING NORTH CAROLINA GRID COORDINATES (NAD83, 2011), N: 725,205.14', E: 2,019,726.21'; SAID IRON PIPE ALSO BEING THE NORTHWEST CORNER OF THAT PARCEL OF LAND OWNED BY DEANNAS DOWRY, LLC, DEED BOOK 13139, PAGE 920 AND BOOK OF MAPS 2004, PAGE 1409, WAKE COUNTY REGISTRY. THENCE LEAVING SAID RIGHT OF WAY, SOUTH 43°21'40" EAST, 185.73' TO AN EXISTING IRON PIPE, SAID PIPE BEING THE TRUE POINT AND PLACE OF BEGINNING, THENCE NORTH 82°57'52" EAST, 200.03' TO AN EXISTING IRON PIPE, THENCE SOUTH 00°42'10" WEST, 189.45' TO AN EXISTING IRON PIPE, THENCE SOUTH 82°49'09" WEST, 199.93' TO AN EXISTING IRON PIPE, THENCE NORTH 00°39'15" EAST, 199.94' TO AN EXISTING IRON PIPE, THE TRUE POINT AND PLACE OF BEGINNING AND CONTAINING AN AREA OF 0.908 ACRES (39,567 SF), MORE OR LESS.

**TRACT 2 LEGAL DESCRIPTION (PIN NO. 0722040381) DEANNAS DOWRY, LLC**

BEGINNING AT A NEW IRON PIPE LOCATED ON THE SOUTHERN RIGHT OF WAY OF US HWY 64 AND HAVING NORTH CAROLINA GRID COORDINATES (NAD83, 2011), N: 725,205.14', E: 2,019,726.21'; SAID IRON PIPE ALSO BEING THE NORTHWEST CORNER OF THAT PARCEL OF LAND OWNED BY DEANNAS DOWRY, LLC, DEED BOOK 13139, PAGE 920 AND BOOK OF MAPS 2004, PAGE 1409, WAKE COUNTY REGISTRY. THENCE NORTH 82°58'49" EAST, 828.63' TO A NEW IRON PIPE, THENCE SOUTH 01°36'41" WEST, 79.80' TO AN EXISTING IRON PIPE, THENCE SOUTH 01°36'41" WEST, 893.94' TO AN EXISTING IRON PIPE, THENCE SOUTH 01°57'07" WEST, 417.11' TO AN EXISTING IRON PIPE, THENCE SOUTH 01°41'50" WEST, 1,184.25' TO AN EXISTING IRON PIPE, THENCE NORTH 88°22'09" WEST, 96.90' TO AN EXISTING IRON PIPE, THENCE NORTH 88°06'17" WEST, 329.76' TO AN EXISTING IRON PIPE, THENCE NORTH 88°07'13" WEST, 346.86' TO AN EXISTING IRON PIPE, THENCE NORTH 00°38'28" EAST, 1,431.61' TO AN EXISTING IRON PIPE, THENCE NORTH 00°35'23" EAST, 74.24' TO AN EXISTING IRON PIPE, THENCE NORTH 00°39'29" EAST, 186.13' TO AN EXISTING IRON PIPE, THENCE NORTH 00°38'23" EAST, 755.82' TO A NEW IRON PIPE, BEING THE POINT AND PLACE OF BEGINNING AND CONTAINING AN AREA OF 45.963 ACRES (2,002,141 SF), MORE OR LESS.

**TRACT 3 LEGAL DESCRIPTION (PIN NO. 0722037373) JOHN WILLIAM LONG AND FAYE C. LONG**

BEGINNING AT AN EXISTING IRON PIPE LOCATED ON THE WESTERN RIGHT OF WAY OF THE AMERICAN TOBACCO TRAIL AND HAVING NORTH CAROLINA GRID COORDINATES (NAD83, 2011), N: 722,806.09', E: 2,021,093.03'; SAID IRON PIPE ALSO BEING THE NORTHEAST CORNER OF THAT PARCEL OF LAND OWNED BY MARTHA S. CLEMENT, DEED BOOK 2819, PAGE 423 AND BOOK OF MAPS 1980, PAGE 239, WAKE COUNTY REGISTRY. THENCE SOUTH 83°14'18" WEST, 625.41' TO AN EXISTING IRON PIPE, THENCE NORTH 01°41'50" EAST, 1,184.25' TO AN EXISTING IRON PIPE, THENCE SOUTH 88°56'40" EAST, 508.89' TO AN EXISTING IRON PIPE, THENCE SOUTH 04°52'38" EAST, 747.81' TO A POINT, THENCE SOUTH 04°32'44" EAST, 99.12' TO A POINT, THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2,814.96', AN ARC LENGTH OF 256.96', AND A CHORD BEARING AND DISTANCE OF SOUTH 01°18'55" EAST, 256.87' TO AN EXISTING IRON PIPE, BEING THE POINT AND PLACE OF BEGINNING AND CONTAINING AN AREA OF 15.000 ACRES (653,417 SF), MORE OR LESS.

Attachment B:

**GCI PLANNED UNIT DEVELOPMENT**

**LEGACY**

**A PLANNED UNIT DEVELOPMENT**

**APEX, NORTH CAROLINA**

**DATE: AUGUST 30, 2021**

**Applicant:**

**GCI Acquisitions, LLC  
25101 Chagrin Blvd. Suite #300  
Beachwood, Ohio 44122**

**Consultants:**

**Glenda S. Toppe & Associates  
WithersRavenel  
Kimley-Horn**

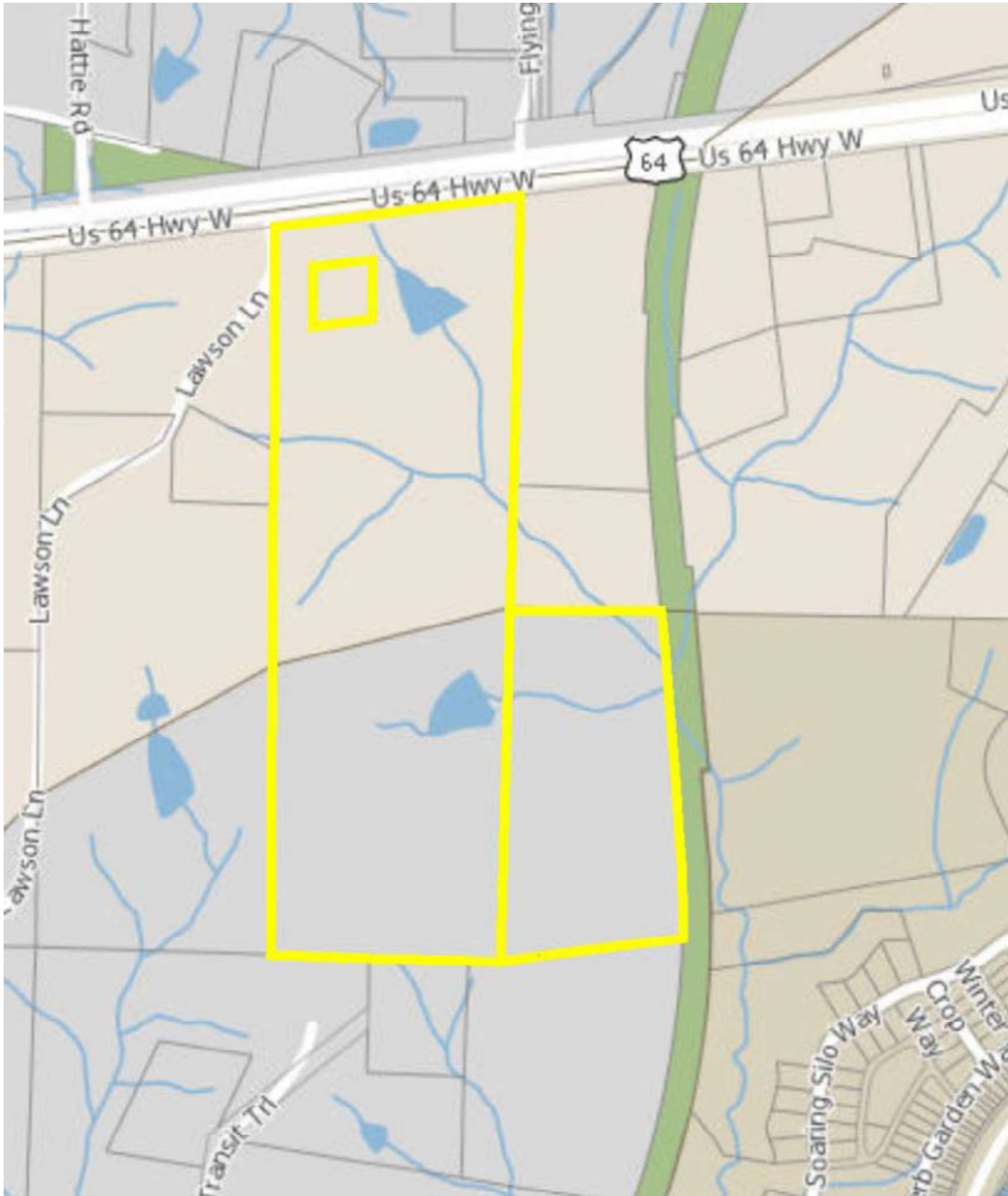
# Legacy PUD

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# Legacy PUD

## Section 2: Vicinity Map



# Legacy PUD

## Section 3: Project Data

### Prepared By:

#### Planner

Glenda Toppe, AICP  
Glenda S. Toppe & Associates  
4139 Gardenlake Drive  
Raleigh, North Carolina 27612  
919-605-7390  
[glenda@gstplanning.com](mailto:glenda@gstplanning.com)

#### Engineer

Ed Tang, P.E.  
WithersRavenel  
115 Mackenan Drive  
Cary, North Carolina 27511  
919-238-0338  
[etang@withersravenel.com](mailto:etang@withersravenel.com)

#### Traffic Engineer

Travis Fluitt, P.E.  
Kimley-Horn  
421 Fayetteville Street, Suite 600  
Raleigh, North Carolina 27601  
919-653-2948  
[travis.fluitt@kimley-horn.com](mailto:travis.fluitt@kimley-horn.com)

#### Applicant

GCI Acquisitions, LLC  
25101 Chagrin Blvd. Suite #300  
Beachwood, Ohio 44122

#### Designated Contact

Glenda Toppe

#### Current Zoning:

Rural Residential (RR)  
Residential-80 Watershed  
(R-80W Wake County)

#### Proposed Rezoning:

Planned Unit Development - Conditional Zoning  
(PUD-CZ)

#### Existing 2045 LUM Designation:

Mixed Use: Commercial Services, Office &  
Institutional, and High-Density Residential  
Low Density Residential

#### Proposed 2045 LUM Designation:

Mixed Use: Commercial Services, Office &  
Institutional, and High-Density Residential  
Low Density Residential

#### Overall Project Area:

+/- 61 Acres

#### Area within Mixed Use Village Center

29.29 +/- acres (We are providing 5.66  
acres/29.29 acres =19.3% if you don't add  
Tee2Green.)

#### Area Designated as Low Density Residential

31.68 +/- acres

# Legacy PUD

## Section 4: Purpose Statement

Purpose Statement explains how this project meets the standards found for Planned Unit Developments (PUD) in Sec. 2.3.4 of the UDO.

Legacy is a proposed mixed use development consisting of nonresidential, multi-family and low density residential development. The property is located south of US 64 HWY W. The American Tobacco Trail is to the east as is the Smith Farm subdivision. Deer Creek PUD is approximately one mile to the west. The PUD consists of the three (3) parcels. The current zoning is Rural Residential in Apex and Residential-80W in Wake County. The total acreage is approximately 61 acres. The proposed 2045 Land Use Map designation is Mixed Use to the north, which includes Commercial Services, Office Employment, and High Density Residential. The south portion of the site is designated as Low Density Residential. The proposed zoning classification is PUD CZ.

The purpose of the proposed PUD is to provide a high-quality development that is compatible with the character of the surrounding area and complies with the 2045 Land Use Map. The proposed development includes streetscapes and buffers. The planned detached single-family homes provide the appropriate transition from the higher density residential uses to the north to the lower densities to the south. The design protects the environmentally sensitive areas on the property and establishes Resource and Conservation areas in accordance with the Town's requirements. The proposed PUD will meet or exceed all other requirements of the Apex Transportation Plan and the Town of Apex.

The proposed new development is intended to provide an area for nonresidential development that will be combined with the nonresidential development planned for the property on our eastern property boundary. This area will satisfy the requirements for the commercial and office development portion of the Land Use Map. The proposed plan then transitions to high density residential. After the high density residential, the proposed use is low density residential as per the 2045 Land Use Plan Map. Potential uses include detached residential, townhouses, and school.

An amendment to the Town's Transportation Plan is proposed to add a major collector street to the Plan.

The type of development planned is appropriate at this location. The proposed development is intended to provide a community that is configured on the property in a way that integrates the new development into the existing area. Sidewalks, integrated into the community will provide for pedestrian connectivity along the proposed street network, ensuring that the development plan provides for a safe and attractive pedestrian network. The community will have both nonresidential and residential development. By incorporating of a mixture of multi-family unit sizes and the potential for single family for sale, the PUD will offer a variety of housing options for people who want to live in this community. The PUD takes into account the environmental features of the property. The proposed PUD will maintain the architectural integrity consistent with Town of Apex standards and will complement the vision Apex has memorialized in their "Advance Apex" long range plan. The planned community will enhance adjoining property values by offering a high-quality development that will complement and anchor future development in the surrounding area.

## Section 5: Permitted Uses

The table below lists the uses that are allowed in the proposed PUD. The list of uses will provide the opportunity for the proposed development to have flexibility in the ultimate build out of the project. Uses are subject to the limitations and regulations stated in the UDO.

Non-Residential uses listed in MF-1 are only permitted on the first floor of vertical mixed use buildings. Apartments and Condominiums are permitted on the upper floors of vertical mixed use buildings in either the MF-1 or C-1 areas.



## Legacy PUD

Uses	SF-1	MF-1	C-1
<b>Residential Uses</b>			
Accessory apartment	P	P	
Single-Family	P		
Townhouse	p*	P	
Duplex	p*	P	
Multi-family or apartment**		P	P
Triplex or quadplex	p*	P	
<b>Public &amp; Civic Uses</b>			
Ambulatory Health-care Facility with Emergency Dept.			P
Assembly Hall, nonprofit	P		P
Assembly Hall, for profit	P		P
Church, or place of worship	P/S		P/S
Day Care Facility	P		P
Drop-in or short-term day care	P		P
Government service			P
Hospital			P
School, public or private	P		P
Veterinary clinic or hospital			P
Vocational school			P
<b>Utilities</b>			
Communication tower, commercial	S	S	S
Communication tower, constructed stealth	S	S	S
Communication tower, camouflage stealth	S	S	S
Communication tower, public safety	S	S	S
Utility, Minor	P	P	P
Wireless support structure	P	P	P

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Wireless communication facility	P	P	P
<b>Recreational Uses</b>			
Botanical garden		P	P
Entertainment, indoor			P
Greenway	P	P	P
Park, active	P	P	P
Park, passive	P	P	P
Recreation facility, private	P	P	
<b>Food &amp; Beverage Service</b>			
Restaurant, drive through			P
Restaurant, general		P	P
<b>Office &amp; Research</b>			
Medical or dental office or clinic		P	P
Medical or dental laboratory		P	P
Office, business or professional		P	P
<b>Public Accommodations</b>			
Bed & breakfast			P
Hotel or motel			P
<b>Retail Sales &amp; Service</b>			
Artisan studio			P
Barber and beauty shop			P
Bookstore			P
Convenience store w/gas sales			P
Dry cleaners and laundry service			P
Farmer's market			P
Financial institution			P
Floral shop			P
Gas & fuel, retail			P
Grocery, general/specialty			P
Health/fitness center or spa			P

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Kennel			P
Personal service			P
Pharmacy			P
Real estate sales			P
Retail sales, general			P
Studio for art			P
Tailor shop			P
Pet services			P

P = Permitted Uses

S = Special Use Permit

\* = may only take up a portion of the SF area. Per the 2045 LUM, they may only be constructed in conjunction with SF homes.

\*\* = Vertical mixed use may be an option for Multifamily or condominiums.

### Section 6: Design Controls

When each phase of the development is platted, the following note shall be added to the plat:

AVIGATION NOTICE: Deck Air Park, an active, general aviation airport open to the public, is located near this subdivision, and the flight paths of aircraft landing, taking off, and flying nearby pass directly over this subdivision. The lots show non this plat Will be subject to the impacts of the aviation uses being conducted to, from, at, and nearby Deck Air Park for so long as that airport may continue to be used.

#### RESIDENTIAL

Single Family Area: Single-family, Townhomes, Duplexes, Triplexes, and Quadplexes:

Acreage: Approximately 31.68 acres

Maximum Number of Units: 75

Maximum Density: 2.4 units/acre

Single Family:

Minimum Lot Width: 50 feet

Maximum Building Height: 45 feet

Public/Civic Uses: 65 feet

Communications Towers/Wireless facilities: 200 feet.

Building Setbacks:

Front: 10 feet to front façade; 20 feet from sidewalk to garage door.

Side: 5 feet

Rear: 15 feet

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Corner: 10 feet

*Porch, patio, deck and other accessory structures may encroach into the prescribed setbacks as allowed by the existing Town of Apex UDO.*

Townhomes, Duplexes, Triplexes and Quadplexes:

Minimum Lot Width: 20 feet

Maximum Building Height: 45 feet

Building Setbacks:

Front: 10 feet to front façade

20 feet from sidewalk to garage door

Side: Aggregate 8 feet between buildings

Rear: 15 feet

Corner End Unit: 10 feet

Multi-Family: Apartments and/or Condominiums

Acreage: Approximately 23.63 acres

Maximum Number of Units: 400

Maximum Height: 55 feet

Building setback: 10 feet from property line, public right-of-way, or riparian and perimeter buffers

## **NON-RESIDENTIAL**

Area: Approximately 5.66 acres

Square Footage: The maximum commercial is 27,500 square feet

Maximum Height:

Hotels: 75 feet

Public/Civic Uses: 65 feet

Communications Towers/Wireless facilities: 200 feet.

All Other Uses: 50 feet

Building setbacks: 10 feet from property lines, perimeter buffers or riparian buffers

## **BUFFERS/STREETSCAPES/LANDSCAPING**

Perimeter Buffers:

Southern buffer: 20-foot Type B buffer

Eastern buffer: 50-foot Type A buffer adjacent to ATT

Western buffer: 20-foot Type B buffer

Streetscapes:

US HWY 64 W: 50-foot Type A buffer (measured from the ultimate right-of-way)\*

*The development will meet the UDO Sec. 8.2.6.B.5.f.ii requirements to reduce from a 100-*

# Legacy PUD

*foot Type A buffer.*

Major Collector Street: 30 feet Type D (Along the MF-1 frontage)

10 feet Type A (Along the SF-1 frontage)

## Section 7: Architectural Standards

Architectural standards are important to the Town of Apex. The Town and its citizens expect quality development. This PUD provides standards for both residential and nonresidential development.

### Single-Family:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 75% of the building design.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. The garage shall not protrude more than 1' out from the front façade or front porch.
5. Eaves shall project at least 12 inches from the wall of the structure.
6. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
  - a) Windows
  - b) Bay window
  - c) Recessed window
  - d) Decorative window
  - e) Trim around the windows
  - f) Wrap around porch or side porch
  - g) Two or more building materials
  - h) Decorative brick/stone
  - i) Decorative trim
  - j) Decorative shake
  - k) Decorative air vents on gable
  - l) Decorative gable
  - m) Decorative cornice
  - n) Column
  - o) Portico
  - p) Balcony
  - q) Dormer
7. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
8. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
9. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
10. Front porches shall be a minimum of 6 feet deep.
11. No more than 25% of lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.
12. All single-family homes shall be pre-configured with conduit for a solar energy system.

## Legacy PUD

13. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.

### Townhomes, Duplexes, Triplexes, Quadplexes:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
3. Garage doors must have windows, decorative details or carriage-style adornments on them.
4. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
5. The garage cannot protrude more than 1 foot out from the front façade or front porch.
6. Building facades shall have horizontal relief achieved by the use of recesses and projections.
7. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
8. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
9. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
  - a. Windows
  - b. Bay window
  - c. Recessed window
  - d. Decorative window
  - e. Trim around the windows
  - f. Wrap around porch or side porch
  - g. Two or more building materials
  - h. Decorative brick/stone
  - i. Decorative trim
  - j. Decorative shake
  - k. Decorative air vents on gable
  - l. Decorative gable
  - m. Decorative cornice
  - n. Column
  - o. Portico
  - p. Balcony
  - q. Dormer

### Multi-Family: Apartments

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Siding materials shall be varied in type and/or color on 30% of each facade on each building.
3. Windows must vary in size and/or type.
4. Windows that are not recessed must be trimmed.
5. Recesses and projections shall be provided for at least 50% of each facade on each building.
6. Rooflines cannot be a single mass; they must be varied with the use of gables or parapets.

### Non-Residential:

## Legacy PUD

1. The predominant exterior building materials shall be high quality materials, including brick, glass, native stone, precast concrete, and decorative masonry units.
2. Cut off lighting fixtures and side shields on the sides where the property is adjacent to residential zoning shall only be allowed.
3. EIFS cornices and parapet trim are permitted.
4. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building facade.
5. Prohibited materials include:
  - a. Vinyl siding. Vinyl details and trim are permitted.
  - b. Painted, smooth faced concrete block
  - c. Metal Walls. Decorative metal accents and panels may be accepted.
6. Exterior lighting shall not exceed a color temperature of 3,500K and meet UDO requirements for full cut off lights.
7. A solar PV system shall be incorporated into buildings to be constructed on the property. Such PV systems shall have a capacity of not less than 2 KW/1,000 heated square feet of building floor area.

### Section 8: Parking, Loading and Sidewalk

Parking and loading shall comply with all applicable requirements of the UDO.

Sidewalks shall be provided on both sides of all public streets. The streets within apartments shall be privately owned and maintained.

### Section 9: RCA and Landscaping

#### RCA Requirements:

Gross square footage and percent of RCA required: 18.4 acres or approximately 30% of the overall site

- (Mixed Use area = 25%)
- (Low Density residential area = 35% (assumed mass graded, if not mass graded then this area is 30%))

	Approx. Area	Ratio	RCA Area
Low Density Residential	31.68	35%	11.08
Mixed Use Area	29.29	25%	7.32
Overall Gross	60.97	30%	18.41*

*\*Note that the total RCA area can be provided in any combination anywhere within the PUD as long as the total area is met.*

#### Landscaping:

- The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of and adaptive species for the canopy, understory

## Legacy PUD

and shrub levels.

- A minimum of 75% of the species selected shall be native or a native of North Carolina.
- No invasive species shall be permitted.
- No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.
- The project will plant deciduous shade trees on the southern side of buildings where applicable.
- The project will plant pollinator friendly flora that is diverse and provides blooming in succession from spring to fall.
- The project will provide and allow for undisturbed spaces (e.g. leaf piles, un-mowed fields, fallen trees) for nesting and overwintering for native pollinators and wildlife.
- Planting warm season grasses for drought resistance.
- To further illustrate the project's commitment to preserving and replacing tree canopy, at the time of first subdivision or site plan submittal the developer will provide a donation to a local non-profit organization with a mission towards tree preservation in the amount of \$10,000.

### Section 10: Signage

Signage will comply with all applicable requirements of the UDO.

### Section 11: Public Facilities

#### Water and Sanitary Sewer:

All lots within the project will be served by the Town of Apex Public Water and Sewer system. Refer to sheet 3.0 of the PUD plan for conceptual connections to infrastructure within the surrounding vicinity. This project will meet the Town of Apex Master Plans for Water and Sewer.

#### Roadways:

Internal streets shall be designed to Town of Apex public road standards. The proposed development roadway system will be in accordance with the Apex Thoroughfare and Collector Street plan. Refer to sheet 2.0 of the PUD plan for proposed access points and planned/future connectivity. Access points are shown conceptual and will be finalized at site/subdivision plan stage. Internal streets to the multifamily area will be private streets and maintained by the apartment complex.

### Section 12: Natural Resources and Environmental Data

#### Existing Vegetation:

The site is primarily wooded with pines and hardwoods typically found in this area. There are several small ponds on site. They will be evaluated for preservation at site or subdivision plan submission.

The existing streams on site will be assessed at site or subdivision plan submission. Any intermittent or perennial streams will have the riparian buffers and be protected in accordance with the UDO and NCDWR regulations. Existing vegetation within the buffers will remain undisturbed. To the extent practicable, the project will minimize the number of stream crossings that will provide interconnectivity of the site for emergency services and good circulation practices. The NCDWR and US Army Corps will have final permit authority on the number of crossings.

#### Watershed:

The site is located within Primary Watershed Protection Overlay of the Beaver Creek Basin via Reedy



# Legacy PUD

Branch.

## Percentage of Built Upon Area (Impervious Surface)

The maximum built-upon area shall be 70% per section 5.1 of the UDO.

## Energy Efficiency:

- Per the UDO requirements, the project will include EV charging stations that are spread out on the site where feasible. The charging stations will be at least a level 2, or 40 amps.
- The exterior lighting for all multi-family and commercial buildings and parking lots will be 100% LED fixtures.
- Exterior lighting will meet UDO requirements to provide only full cut off lights.
- The project will install light timers or sensors or smart lighting technology for the multifamily units in the parking lot/outdoor lighting in the parking lot.
- All bedrooms and living rooms in multifamily units will have a window for natural lighting.

## Other:

- The proposed development shall install one (1) sign to reduce pet waste per SCM, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways or side paths.
- Install a minimum of five (5) pet waste stations throughout the community.

## **Section 13: Stormwater Management**

The proposed development plan will require stormwater management measures in accordance with Sections 6.1 and 7.5.7 in the Town of Apex Unified Development Ordinance. Stormwater captured on the site will be conveyed to the proposed Stormwater Control Measures, which will be identified on plans during the major subdivision or site plan approval stage. Post development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year and 10-year storm events in accordance with the Unified Development Ordinance. Treatment for the first 1-inch of runoff will be provided such that the removal of 85% Total Suspended Solids is achieved. All stormwater devices will meet the design requirements of NCDENR and the Town of Apex.

## **Section 14: Parks and Recreation**

On May 26, 2021, The PRCR Committee recommended a fee-in-lieu of dedication with credit provided for construction of greenway trail that will provide an east-west connection in a similar location on the Greenway Master plan.

## **Section 15: Transportation Improvements**

The following improvements are committed to be performed by the development:

1. Convert the intersection of US 64 at Flying Hawk Road to a directional crossover in both directions in Phase 1, prior to first certificate of occupancy (CO), serving a new major collector street intersection to the south. In addition, prior to the final CO being issued for the last apartment building but not before issuance of the building permit for the last apartment building, developer shall conduct a signal warrant analysis for the collector street half of the intersection and

## Legacy PUD

install a traffic signal if permitted by NCDOT. If not permitted at that time, developer shall pay a fee in lieu for the estimated cost of design and installation.

2. Construct a new major collector street along the eastern property line to connect to US 64 at the intersection of Flying Hawk Road/directional crossover. The proposed major collector will be constructed as part of the development plan from US 64 southward through the project serving local connections to the east, west, and south. Construction of the major collector street may be phased in accordance with a phasing plan to be approved as part of site and subdivision plans.
3. Construct an eastbound right turn lane with 100 feet of storage and appropriate deceleration length and taper per NCDOT guidance on US 64 at the new major collector street in Phase 2, prior to first certificate of occupancy for the mixed-use area and/or prior to the first residential subdivision plat.
4. Construct a right-in-only driveway with 100 feet of storage and appropriate deceleration length and taper per NCDOT guidance on US 64 approximately 700-800 feet west of the major collector street, if/when that access is proposed west of the major collector street.
5. Construct a U-turn bulb at Pinefield Road in Phase 1 that can at a minimum accommodate a Bus-40 vehicle if the current geometry does not accommodate that movement.
6. Construct a U-turn bulb at Goodwin Road in Phase 1 that can at a minimum accommodate a Bus-40 vehicle if the current geometry does not accommodate the turn movement in Phase 1. In addition, prior to the final CO being issued for the last apartment building but not before issuance of the building permit for the last apartment building, developer shall conduct a signal warrant analysis for the intersection and install a traffic signal if permitted by NCDOT. If not permitted at that time, developer shall pay a fee in lieu for the estimated cost of design and installation.
7. If NCDOT has not permitted either traffic signal described above to be installed within 5 years from the date of payment of the fee in lieu, developer, upon written request to the Town of Apex, shall be entitled to a refund of the fee in lieu.

### Section 16: Environmental Advisory Board Recommendations

The consultants and developer for this project met with the EAB on April 15, 2021. The EAB's recommendations are listed below.

- Install signage near environmental sensitive areas in order to:
  - Reduce pet waste near SCM drainage areas.
  - Eliminate fertilizer near SCM drainage areas.
- Plant trees as designed for efficiency.
  - *Option 1:* Plant deciduous shade trees on southern side of buildings.
- Increase biodiversity.
  - *Option 1:* Plant pollinator-friendly flora.
- Implement green infrastructure.

## Legacy PUD

- *Option 4:* 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.
- *Option 5:* Provide and allow for undisturbed spaces (e.g. leaf piles, un-mowed fields, fallen trees) for nesting and overwintering for native pollinators and wildlife.
- Include landscaping that requires less irrigation and chemical use.
  - *Option 1:* Plant warm season grasses for drought-resistance.
- Install pet waste stations in neighborhoods.
- Install convenient electric vehicle charging stations.
  - Spread out charging stations as much as possible considering all sides of the property for all potential users.
- Include energy efficient lighting in building design.
  - *Option 1:* Lower maximum foot-candles outside of buildings.
- Install timers or light sensors or smart lighting technology.
- Incorporate natural lighting techniques into building design.
- Add east to west connections to existing surrounding greenways, including from the American Tobacco Trail.
- Include International Dark Sky Association compliance standards.
  - Outdoor lighting shall be shielded in a way that focuses lighting to the ground.
  - Lighting that minimizes the emission of blue light to reduce glare shall be used.
- Minimize the number of stream crossings, keeping the riparian buffer connected without barriers, as much as possible.
- Provide space for additional tree plantings by single-family residential in planning for above and underground obstructions.

### Section 17: Affordable Housing

The developer shall provide a donation to the Town of Apex's Affordable Housing Fund (the "FUND") in the amount of \$215.00 per residential lot or dwelling unit, payable at the time of Final Plat. Instead of a single lump sum donation, the developer may make payments based on the number of residential lots or dwelling units shown on each Final Plat.

### Section 18: Consistency with 2045 Land Use Plan Map

The Apex 2045 Future Land Use Map designates the property as Mixed Use to the north, which includes Commercial Services, Office Employment and, high density residential. The southern portion of the site is designated as Low Density Residential. The uses proposed comply with the 2045 Future Land Use Map designations of Mixed Use: Commercial Services, Office Employment and High Density Residential and Low Density Residential with a maximum density of 3 dwelling units per acre. No changes to the 2045 Land Use Map are proposed.

The purpose of the proposed PUD is to provide a high-quality development that is compatible with the character of the surrounding area and complies with the 2045 Land Use Map. The planned detached single-family homes provide the appropriate transition from the higher density residential uses to the

## **Legacy PUD**

north to the lower densities to the south. The design protects the environmentally sensitive areas on the property and establishes Resource and Conservation areas in accordance with the Town's requirements. The proposed PUD will meet or exceed all other requirements of the Apex Transportation Plan and the Town of Apex.

The mixed use development planned is appropriate at this location. The proposed development is intended to create an integrated, multi-purpose community that is designed to incorporate aspects of new and existing development in the vicinity. The Applicant expects that the planned community will enhance adjoining property values by offering a high quality development that will complement the surrounding area.

### **Section 19: Compliance with Unified Development (UDO)**

The proposed development is consistent with all applicable requirements of the Town's Unified Development Ordinance unless otherwise specified in the PUD document.

Simultaneous with the PUD request there is also a concurrent amendment request to the Town's Transportation Plan to add the north-south major collector road.

### **Section 20: Elevations**

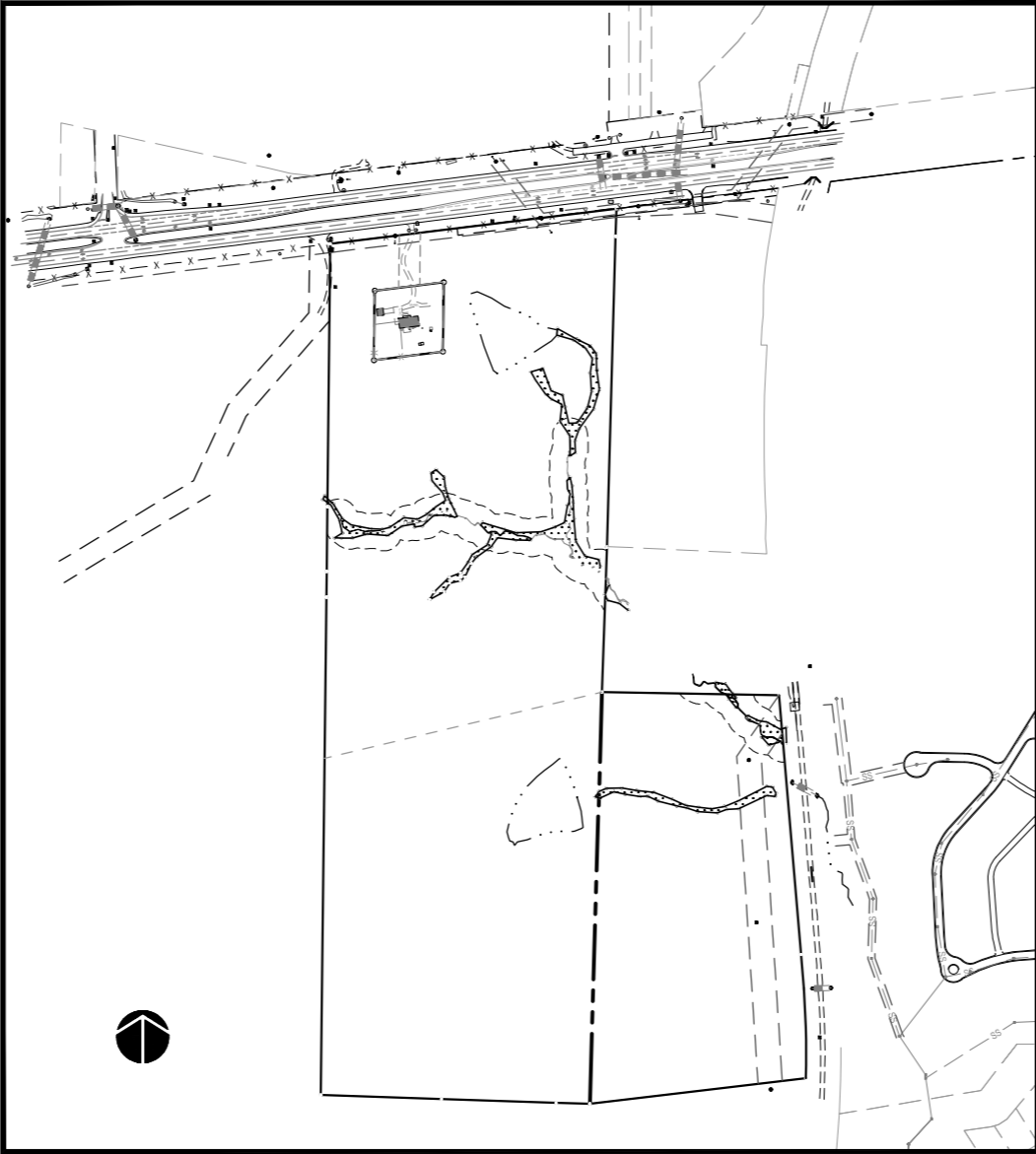
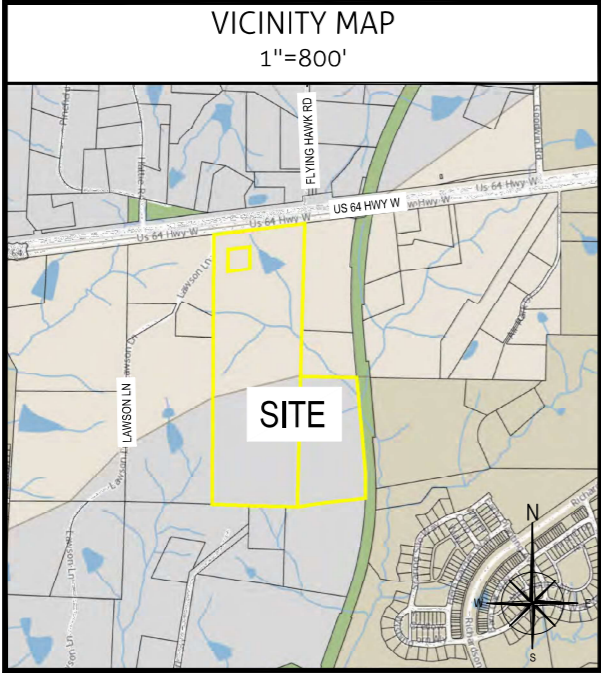
Elevations provided are representative of architecture, material and building types. Final elevations submitted at Major Subdivision Plan will meet the requirements of the Architectural Controls in Section 7 of the PUD Plan.

# PLANNED UNIT DEVELOPMENT

# LEGACY

## APEX, NORTH CAROLINA

AUGUST 13, 2021



Sheet List Table	
Sheet Number	Sheet Title
C0.0	Cover
C1.0	Overall Existing Conditions
C1.1	Existing Conditions
C2.0	Conceptual Site Plan
C3.0	Conceptual Utility Plan
A1.0 - A1.3	Illustrative Elevations

SITE DATA	
2045 LAND USE PLAN DESIGNATION	CURRENT: MIXED USE, COMMERCIAL, OFFICE AND HIGH DENSITY RESIDENTIAL PROPOSED: NO CHANGE
ZONING	CURRENT: RURAL RESIDENTIAL (RR) (R-80W) PROPOSED: PLANNED UNIT DEVELOPMENT (PUD-C2)
AREA OF TRACTS IN PROPOSED PUD	0712-04-0922: 0.91 ACRES
	0722-05-7373: 15 ACRES
	0722-04-0381: 45.06 ACRES
	TOTAL: 60.97 ACRES
AREA DESIGNATED AS MIXED-USE ON 2045 LAND USE MAP	26.63 ACRES + 2.66 ACRES (ADDED TO MIXED USE) = 29.29 AC
AREA OF MIXED-USE PROPERTY PROPOSED AS NON-RESIDENTIAL DEVELOPMENT	5.66 ACRES (DOES NOT INCLUDE 10.2 ACRES OF TREE GREEN SITE)
PERCENT OF MIXED-USE PROPERTY PROPOSED AS NON-RESIDENTIAL DEVELOPMENT	19.3% (DOES NOT INCLUDE TREE GREEN SITE)
	40.2% (INCLUDES 10.2 ACRES OF TREE GREEN SITE)
REQUESTED SEWER CAPACITY	TO BE DETERMINED
MAXIMUM RESIDENTIAL DENSITY	MULTIFAMILY = 17 UPA, SINGLE FAMILY = 2.4 UPA
MAXIMUM BUILDING HEIGHT	MULTIFAMILY = 55', SINGLE FAMILY, TOWNHOMES, DUPLEX, TRI AND QUAD PLEX = 45', HOTELS = 75', NON-RESIDENTIAL: 50'
SETBACKS: SINGLE FAMILY	FRONT: 20 FT FROM GARAGE TO BACK OF SIDEWALK, 10 TO FRONT FACADE
	REAR: 15 FT      SIDE: 5 FT      CORNER SIDE: 10 FT
SETBACKS: TOWNHOMES, DUPLEXES, TRI AND QUAD FLEXES	FRONT: 10' TO FRONT FACADE, 20' FROM BACK OF SIDEWALK TO GARAGE
	REAR: 15 FT      SIDE: AGGREGATE 8' BETWEEN BLDGS
WATERSHED	JORDAN LAKE WATERSHED, PRIMARY WATERSHED PROTECTION OVERLAY
HISTORIC STRUCTURES	N/A
COMMUNITY AMENITIES	COMMUNITY GATHERING SPACE WITH BENCHES, TOT LOT
SITE BUFFERS	NORTH: 50' TYPE A BUFFER ALONG US 64
	EAST: 50' TYPE A BUFFER ALONG ATT
	SOUTH: 20' TYPE B BUFFER
	WEST: 20' TYPE B BUFFER

**DEVELOPER/OWNER**

**GOLDBERG COMPANIES, INC**  
 25101 CHAGRIN BLVD #300  
 BEECHWOOD, OH 44122

ATTN: IAN STUART

A NEW MAJOR COLLECTOR ROAD WILL BE CONSTRUCTED BETWEEN US 64 AND THE SOUTHERN PROPERTY LINE. THE MAJOR COLLECTOR WILL SERVE AS ACCESS TO THE SOUTHERN PORTION OF THE SITE AND ALSO ULTIMATELY AS PARCELS TO THE SOUTH DEVELOP THE INTO OLIVE CHAPEL ROAD. NO WIDENING OF US 64 IS PROPOSED.

PREPARED BY:



## WithersRavenel

Engineers | Planners | Surveyors

115 MacKenan Drive | Cary, NC 27511 | t: 919.469.3340 | license #: C-0832 | www.withersravenel.com

**GCI-LEGACY PUD**

Apex, North Carolina

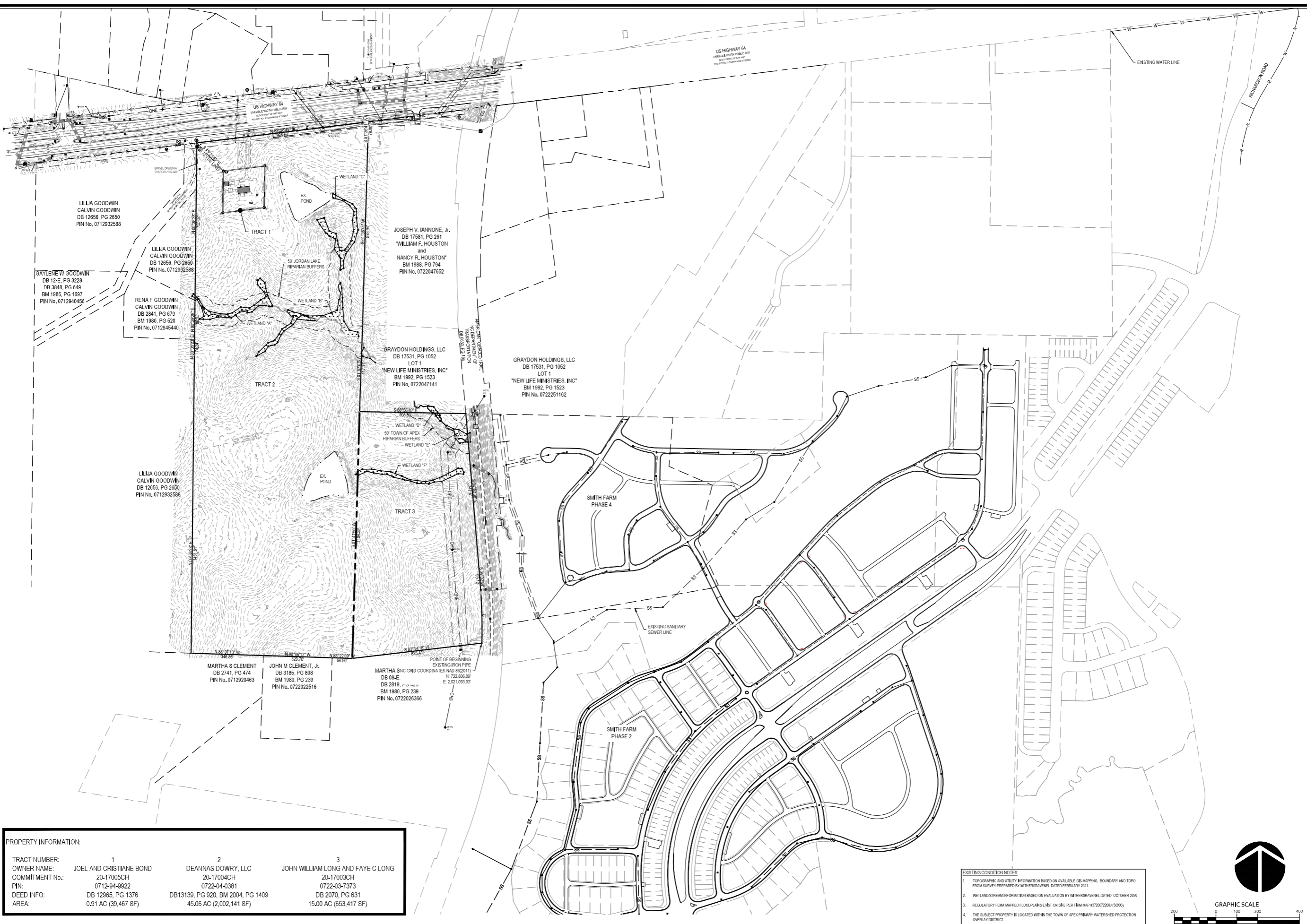
**OVERALL EXISTING CONDITIONS**

Job No. 02200685  
Date 05/03/2021  
Drawn By WR  
Designer WR

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NOT APPROVED FOR  
CONSTRUCTION**

Revisions

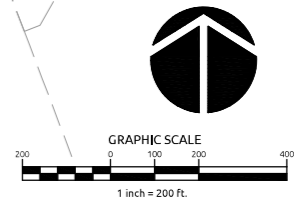
Sheet No.  
**C1.0**



**PROPERTY INFORMATION:**

TRACT NUMBER:	1	2	3
OWNER NAME:	JOEL AND CRISTIANE BOND	DEANNAS DOWRY, LLC	JOHN WILLIAM LONG AND FAYE C LONG
COMMITMENT No.:	20-17005CH	20-17004CH	20-17003CH
PIN:	0712-94-9922	0722-04-0381	0722-03-7373
DEED INFO:	DB 12965, PG 1376	DB13139, PG 920, BM 2004, PG 1409	DB 2070, PG 631
AREA:	0.91 AC (39,467 SF)	45.06 AC (2,002,141 SF)	15.00 AC (653,417 SF)

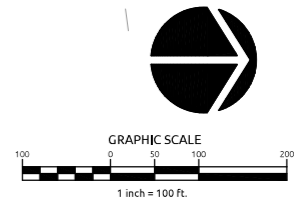
- EXISTING CONDITION NOTES:**
1. TOPOGRAPHIC AND UTILITY INFORMATION BASED ON AVAILABLE GIS MAPPING, BOUNDARY AND TOPO FROM SURVEY PREPARED BY WITHERSRAVENEL DATED FEBRUARY 2021.
  2. WETLANDS INFORMATION BASED ON EVALUATION BY WITHERSRAVENEL DATED OCTOBER 2020.
  3. REGULATORY FEMA MAPPED FLOODPLAINS EXIST ON SITE PER FIRM MAP #27007200I (5/2006).
  4. THE SUBJECT PROPERTY IS LOCATED WITHIN THE TOWN OF APEX PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
  5. ALL EXISTING STRUCTURES ON THE SUBJECT PROPERTY SHALL BE REMOVED PER TOWN OF APEX STANDARDS AND REQUIREMENTS.




TRACT NUMBER:	1	2	3
OWNER NAME:	JOEL AND CRISTIANE BOND	DEANNAS DOWRY, LLC	JOHN WILLIAM LONG AND FAYE C LONG
COMMITMENT No.:	20-17005CH	20-17004CH	20-17003CH
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- EXISTING CONDITION NOTES:**
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  2. WETLANDS/STREAM INFORMATION BASED ON EVALUATION BY WITHERSRAVENEL DATED OCTOBER 2020.
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C:\30302680\300685\p04\p04.dwg (Drawing) and amendments\C1.1.dwg (Drawing) - 05/03/2021 12:36:44 PM - DEKCO, BLUE

Job No. 02200685  
Date 05/03/21  
Drawn By WR  
Designer WR

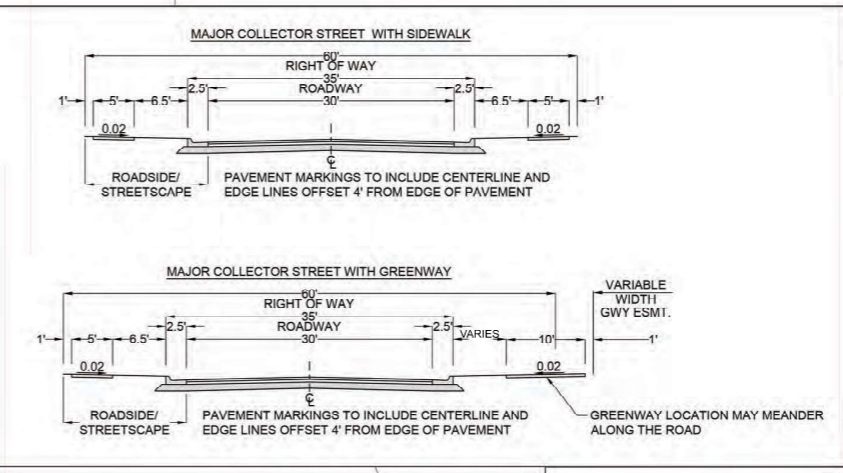
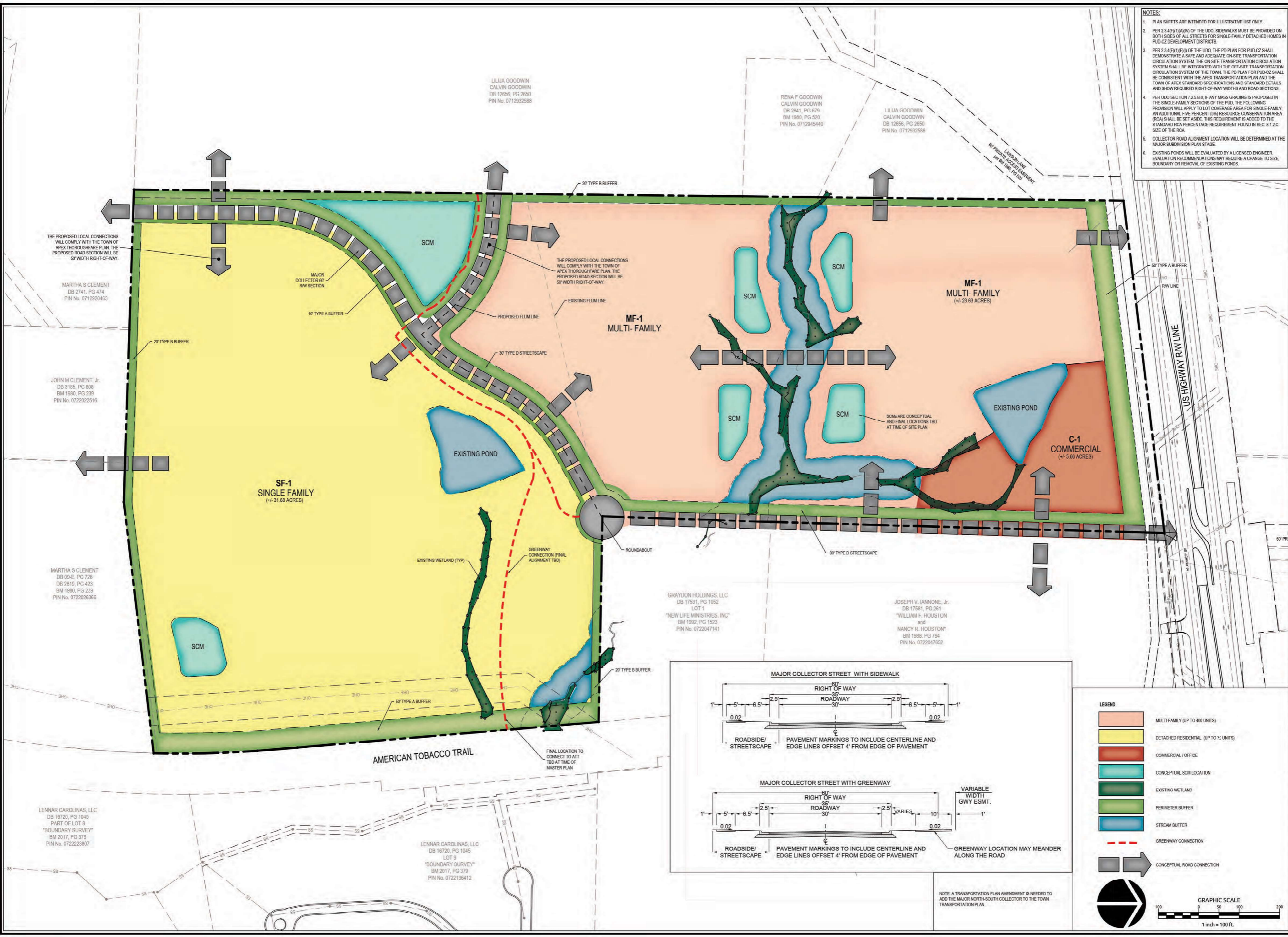
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Sheet No.

2.0

- NOTES:**
1. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.
  2. PER 2.3.4(F)(1)(A)(VI) OF THE UDO, SIDEWALKS MUST BE PROVIDED ON BOTH SIDES OF ALL STREETS FOR SINGLE-FAMILY DETACHED HOMES IN PUD-CZ DEVELOPMENT DISTRICTS.
  3. PER 2.3.4(F)(1)(B) OF THE UDO, THE PD PLAN FOR PUD-CZ SHALL DEMONSTRATE 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.
  4. PER UDO SECTION 2.3.5.6, IF ANY MASS GRADING IS PROPOSED IN THE SINGLE-FAMILY SECTIONS OF THE PUD, THE FOLLOWING PROVISION WILL APPLY TO LOT COVERAGE AREA FOR SINGLE-FAMILY: AN ADDITIONAL FIVE PERCENT (5%) RESOURCE CONSERVATION AREA (RCA) SHALL BE SET ASIDE. THIS REQUIREMENT IS ADDED TO THE STANDARD RCA PERCENTAGE REQUIREMENT FOUND IN SEC. 8.1.2.C SIZE OF THE RCA.
  5. COLLECTOR ROAD ALIGNMENT LOCATION WILL BE DETERMINED AT THE MAJOR SUBDIVISION PLAN STAGE.
  6. EXISTING PONDS WILL BE EVALUATED BY A LICENSED ENGINEER. EVALUATION RECOMMENDATIONS MAY REQUIRE A CHANGE TO SIZE, BOUNDARY OR REMOVAL OF EXISTING PONDS.



**LEGEND**

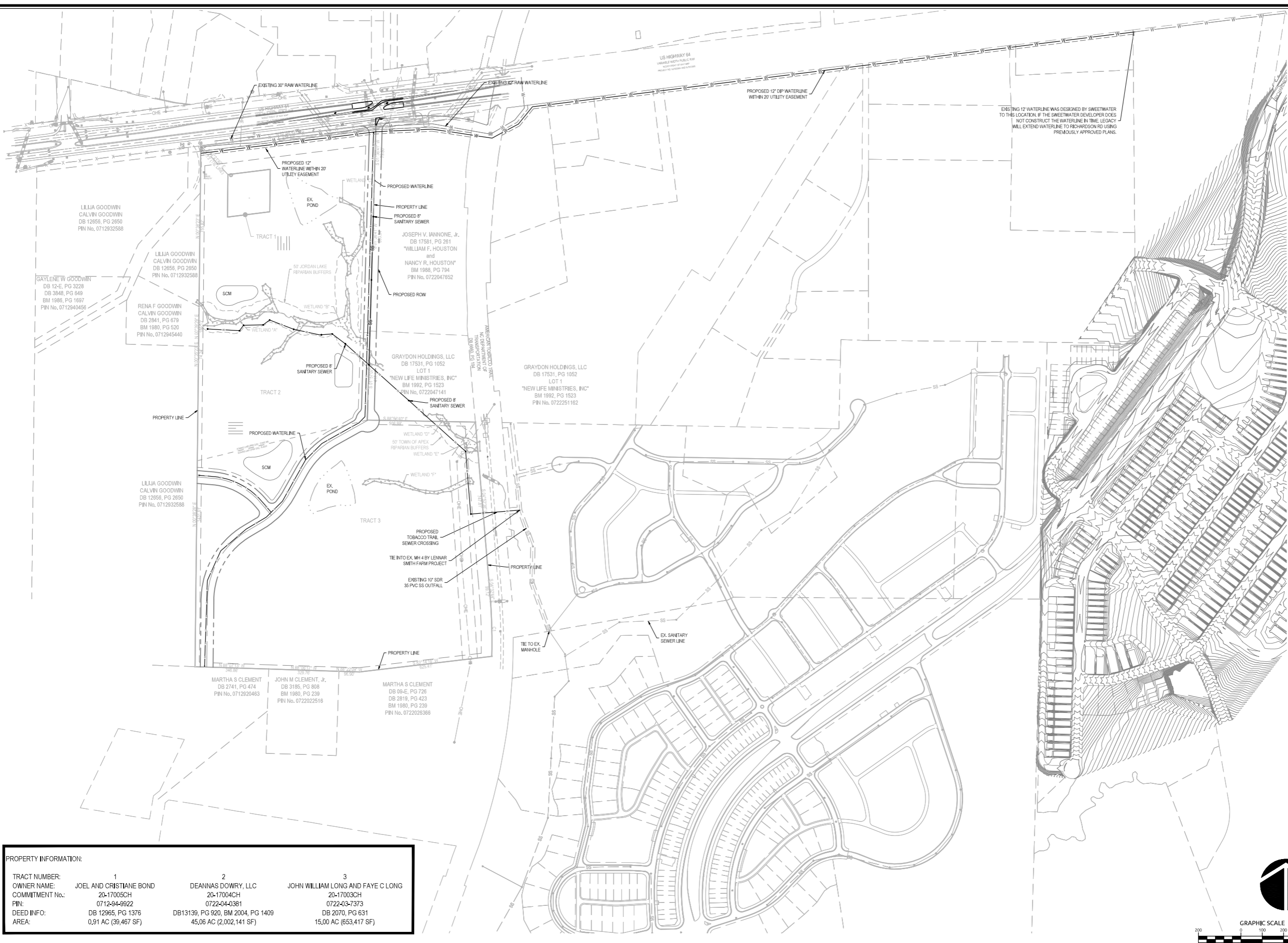
- MULTI-FAMILY (UP TO 400 UNITS)
- DETACHED RESIDENTIAL (UP TO 75 UNITS)
- COMMERCIAL / OFFICE
- CONCEPTUAL SCM LOCATION
- EXISTING WETLAND
- PERIMETER BUFFER
- STREAM BUFFER
- GREENWAY CONNECTION
- CONCEPTUAL ROAD CONNECTION

**GRAPHIC SCALE**  
1 inch = 100 ft.

NOTE: A TRANSPORTATION PLAN AMENDMENT IS NEEDED TO ADD THE MAJOR NORTH-SOUTH COLLECTOR TO THE TOWN TRANSPORTATION PLAN.

K:\2021\05\03\02200685-GCI-Legacy\Aerial\CAD\WORKSPACE\Urban\_Diagram\Maple Diagram.dwg, Wednesday, July 23, 2021 1:50:59 PM - C:\WINDOWS\SYSTEM32\cmd.exe



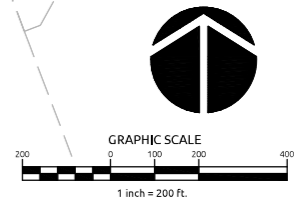


EXISTING 12" WATERLINE WAS DESIGNED BY SWEETWATER TO THIS LOCATION IF THE SWEETWATER DEVELOPER DOES NOT CONSTRUCT THE WATERLINE IN TIME LEGACY WILL EXTEND WATERLINE TO RICHARDSON RD USING PREVIOUSLY APPROVED PLANS.

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COMMITMENT No.:	20-17005CH	20-17004CH	20-17003CH
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AREA:	0,91 AC (39,467 SF)	45,06 AC (2,002,141 SF)	15,00 AC (653,417 SF)

NOTE: SUBMISSION PLAN AND CONSTRUCTION DRAWINGS WILL FALL UNDER THE 2021 STANDARDS AND SPECIFICATIONS,



GCI- LEGACY PUD

Apex, North Carolina

CONCEPTUAL UTILITY PLAN

Job No.	02200685	Drawn By	WR
Date	05/03/2021	Designer	WR

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No.	Description

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**GCI- LEGACY PUD**

Apex, North Carolina

**ILLUSTRATIVE  
ELEVATIONS**

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Date	05/03/2021	Designer	WR

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Revisions


Sheet No.

**A1.1**

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**GCI- LEGACY PUD**

Apex, North Carolina

**ILLUSTRATIVE  
ELEVATIONS**

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CONSTRUCTION**

Revisions


Sheet No.

**A1.2**

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