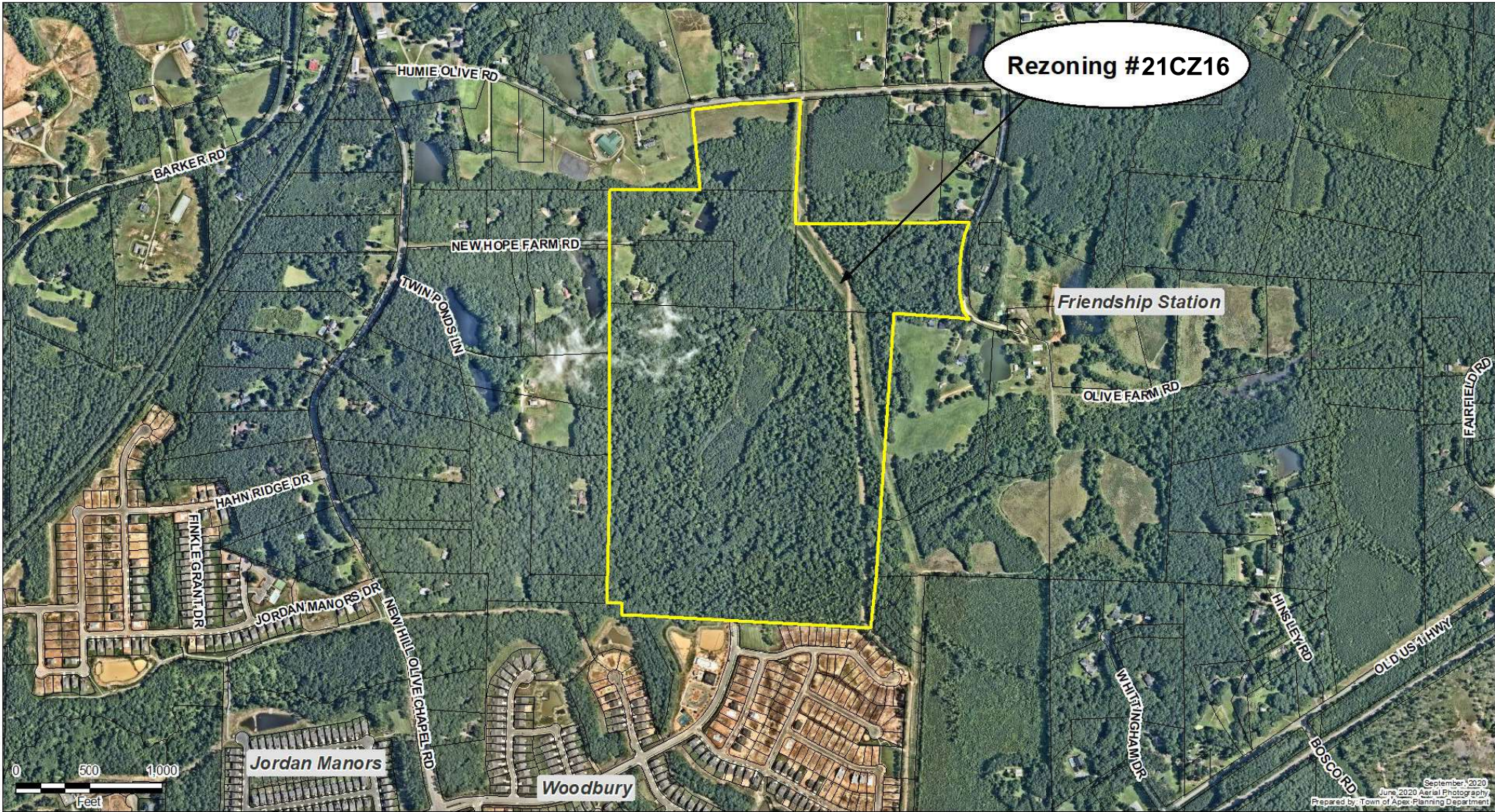


Rezoning #21CZ16



0 500 1000
Feet

September 2020
June 2020 Aerial Photography
Prepared by Town of Apeo Planning Department

PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #:	<u>21CZ16</u>	Submittal Date:	<u>5/3/2021</u>
Fee Paid	<u>\$ 500.00</u>	Check #	<u>2085</u>

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Heelan Property PUD
Address(es): 8824 & 8829 New Hope Farm Rd, 3108 & 3120 Olive Farm Rd & 0 Humie Olive Rd
PIN(s) 0720-09-0188, 0710-98-7950, 0720-18-1967, 0720-07-5965, 0720-09-2779

Acreage: 142.42

Current Zoning: PUD-CZ Proposed Zoning: PUD-CZ

Current 2045 LUM Designation: Low Density Residential & Medium Density Residential

Requested 2045 LUM Designation: Low Density Residential & Medium Density Residential

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: Jason Barron - Attorney for M/I Homes of Raleigh
Address: 421 Fayetteville Street, Suite 530
City: Raleigh State: NC Zip: 27601
Phone: 919-590-0371 E-mail: jbarron@morningstarlawgroup.com

Owner Information

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

Agent Information

Name: M/I Homes of Raleigh
Address: 1511 Sunday Drive, Suite 100
City: Raleigh State: NC Zip: 27607
Phone: 919-590-0371 E-mail: jbarron@morningstarlawgroup.com

Other contacts: _____



Nil Ghosh | Associate
421 Fayetteville St | Ste 530
Raleigh, NC 27601
919-590-0362
nghosh@morningstarlawgroup.com
www.morningstarlawgroup.com

June 16, 2021

Shelly Mayo
Planner II
Town of Apex

RE: Heelan PUD Amendment

Dear Shelly Mayo:

This letter is to inform you of the intent of the proposed PUD Amendment for the above-captioned project. The intent of this PUD amendment is to amend Rezoning Case #19CZ21 Heelan PUD in the following ways:

The following Architectural Control from Section 7 is removed entirely.

I. Garages on the front façade of a single-family home that faces the street shall not exceed 40% of the total width of the house and garage together.

The following Architectural Controls from Section 7 shall be replaced as shown below.

19CZ21:

G. The front façade of any front-loaded garage shall not protrude farther than one foot forward of (i) the front façade of the dwelling unit or (ii) the front porch of the dwelling unit, whichever is closer to the right-of-way from which the dwelling unit is addressed.

M. Front porches shall be a minimum of 6 feet deep.

Proposed:

G. The front façade of any front-loaded garage shall not protrude farther than 5 feet forward of (i) the front façade of the dwelling unit or (ii) the front porch of the dwelling unit, whichever is closer to the right-of-way from which the dwelling unit is addressed.

M. Front porches shall be a minimum of 5 feet deep.

No further changes are proposed. This encompasses the entire scope of the proposed amendment.

Respectfully,

A handwritten signature in black ink, appearing to read "Nil Ghosh", is written over a horizontal line.

Nil Ghosh | Associate
Morningstar Law Group

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 21CZ16

Submittal Date: 5/3/21

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 attached	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

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

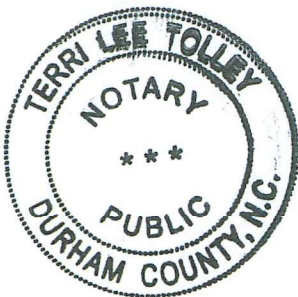
Date: 5/3/21

By: [Signature]

Durham
COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Terri Lee Tolley, a Notary Public for the above State and County, on this the 3rd day of May, 2021.

SEAL



Terri Lee Tolley
Notary Public
Terri Lee Tolley
Print Name

My Commission Expires: 8/25/2023

21CZ16

Owner	PIN
PULTE HOME COMPANY, LLC	0710-86-7029 0710-95-2812 0710-96-3227 0710-96-8293 0720-06-1165 0720-06-4433 0720-06-5216 0720-06-5422 0720-06-5484 0720-06-6200 0720-06-6237 0720-06-6453 0720-06-7274 0720-06-7403 0720-06-7462 0720-06-8233 0720-06-8293 0720-06-8412 0720-06-8462 0720-06-9186 0720-06-9251 0720-06-9412 0720-06-9492 0720-16-0393 0720-16-1239 0720-16-1265 0720-16-2200 0720-16-2381 0720-16-2704 0720-16-3682
ADAMS-KNOUFF, CAREY	0710-87-9844 0710-88-9126
ALBRECHT, DONNA J TRUSTEE DONNA J ALBRECHT RVCBLE LVNG TRUST	0710-88-9798
APEX TOWN OF	0720-19-0665 0720-19-6276 0720-19-7417
CAROL B HEELAN IRREVOCABLE TRUST	0720-18-1967 0720-07-5965
CICIN, JERIF CICIN, LISA	0720-09-2779
DRP NC 1 LLC	0710-86-5906 0710-97-0228
FRIENDSHIP STATION HOLDINGS LLC	0720-27-3337
GENTILE, CHRISTOPHER D	0721-00-9530
GOODMAN, WILLIAM DAVID JR GOODMAN, JILL M	0710-99-0226
HOFFMAN, JOSEPH E JR HOFFMAN, SHIRLEY J	0710-88-4797

21CZ16

JUDD, MILDRED B JUDD, LINDA FAYE	0721-00-5342
KASTELBERG, HENRY STEVEN	0710-98-7950 0710-99-0078
KELLY, ROBERT L KELLY, MILDRED D	0720-29-4621
KOVACS, KAREN ANN WALKER, JENNIFER ANN	0720-16-0123
LE, KATRINA NGUYEN	0720-06-2274
M/I HOMES OF RALEIGH LLC	0720-38-0958
MCKEITHAN, KAREN D ST CLAIR, LANCE	0710-88-7654
NYGARD, RUSSELL NYGARD, RENEE	0710-96-4235
OLIVE, A C HEIRS	0720-19-9119
OLIVE, JUDITH H OLIVE, ROBERT A	0720-18-5030
OLIVER, JAMES E JR OLIVER, JANICE	0721-00-0505 0721-00-3444
OLIVER, JAMES E. JR. OLIVER, JANICE	0711-90-3580
PAIRIS-GARCIA, MONIQUE GARCIA, JUAN	0710-89-6246
PATEL, RUSHI PATEL, DARSHANA	0720-06-4251
PEART, EDWARD A PEART, DEBORAH N	0710-99-0171 0720-09-0188
YUMEEWARRA FARM LLC	0710-99-3712

AGENT AUTHORIZATION FORM

Application #: 21CZ16

Submittal Date: 5/3/21

KASTELBERG, HENRY STEVEN 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: 8824 NEW HOPE FARM RD (0710-98-6889)

The agent for this project is: M/I Homes of Raleigh, LLC

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

Agent Name: Erica Leatham

Address: 1511 Sunday Drive | Ste 100 Raleigh, NC 27607

Telephone Number: _____

E-Mail Address: _____

Signature(s) of Owner(s)*

Henry Steven Kastelberg
Henry Steven Kastelberg
 Type or print name

26 Sept 2019
 Date

 Type or print name

 Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: 21CZ16

Submittal Date: 5/3/21

CICIN, JERIF CICIN, LISA 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 HUMIE OLIVE RD (0720-09-2779)

The agent for this project is: M/I Homes of Raleigh, LLC

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

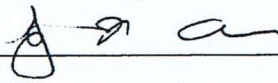
Agent Name: Erica Leatham


Address: 1511 Sunday Drive | Ste 100 Raleigh, NC 27607

Telephone Number: _____

E-Mail Address: _____

Signature(s) of Owner(s)*


Jerif Cicin Type or print name 9/25/19 Date


Lisa Cicin Type or print name 9/25/19 Date

Attach additional sheets if there are additional owners.

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

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AGENT AUTHORIZATION FORM

Application #: 21CZ16

Submittal Date: 5/3/21

CAROL B HEELAN IRREVOCABLE TRUST

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: 3108 OLIVE FARM RD (0720-18-1967) & 3120 OLIVE FARM RD (0720-07-5965)

The agent for this project is: M/I Homes of Raleigh, LLC

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

Agent Name: Erica Leatham

Address: 1511 Sunday Drive | Ste 100 Raleigh, NC 27607

Telephone Number: _____

E-Mail Address: _____

Signature(s) of Owner(s)*

George Heelan
George Heelan
 Type or print name

Sept. 25, 2019
 Date

 Type or print name

 Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: 21CZ16

Submittal Date: 5/3/21

PEART, EDWARD A PEART, DEBORAH N 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: 8829 NEW HOPE FARM RD (0720-09-3139)

The agent for this project is: M/I Homes of Raleigh, LLC

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

Agent Name: Erica Leatham

Address: 1511 Sunday Drive | Ste 100 Raleigh, NC 27607

Telephone Number: _____

E-Mail Address: _____

Signature(s) of Owner(s)*

E. Aaron Peart
E. Aaron Peart
 Type or print name

9-29-19
 Date

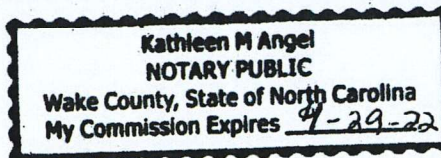
Deborah N. Peart
Deborah N. Peart
 Type or print name

9-29-19
 Date

Attach additional sheets if there are additional owners.

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

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AFFIDAVIT OF OWNERSHIP

Application #: 21CZ16

Submittal Date: 5/3/21

The undersigned, Erica Leatham (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

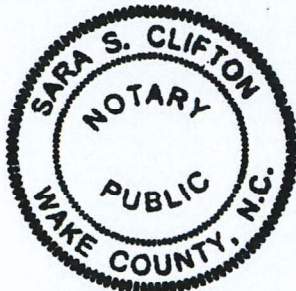
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 8824 & 8829 NEW HOPE FARM RD; 3108 & 3120 OLIVE FARM RD; & 0 HUMIE OLIVE RD and legally described in **Exhibit "A"** 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 _____, and recorded in the Wake County Register of Deeds Office on _____, in Book _____ Page _____.
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 _____, 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 _____, 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 27th day of Sept, 2019.

Erica Leatham (seal)
Erica Leatham
 Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

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



[NOTARY SEAL]

Sara S. Clifton
 Notary Public Sara S. Clifton
 State of North Carolina
 My Commission Expires: 1-10-2020

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #:

21CZ16

Submittal Date:

5/3/21

Insert legal description below.

Beginning at an existing iron pipe found in Olive Farm Road (SR 1178)(60' Public Right of Way), said iron pipe being South 49°37'44" West 28,658.33 feet from NCGS monument "Staley" having N.C. Grid Coordinates (NAD83/2011) of N=727,821.36, E=2,043,644.97, thence from said Beginning point, with a line in said road the following 8 calls; South 21°48'27" West 100.04 feet to a point, thence South 12°15'17" West 100.09 feet to a point, thence South 03°45'42" West 100.03 feet to a point, thence South 01°43'47" West 100.04 feet to a point, thence South 00°11'33" East 100.03 feet to a point, thence South 10°26'03" East 99.95 feet to a point, thence South 37°21'17" East 74.79 feet to an existing iron pipe, thence South 62°11'48" East 52.88 feet to a rebar set, thence leaving said line in Olive Farm Road (SR 1178) North 82°02'43" West 78.75 feet to a rebar set on the southwestern right of way of Olive Farm Road (SR 1178)(60' Public Right of Way), thence leaving said right of way North 82°02'43" West 64.50 feet to an existing iron pipe, thence North 85°44'16" West 448.90 feet to an existing iron pipe, thence South 03°55'05" West 1,407.26 feet to an existing iron pipe, thence South 03°53'40" West 401.10 feet to an existing iron pipe, thence South 06°15'03" West 347.00 feet to a rebar set, thence North 87°04'04" West 851.57 feet to an existing iron pipe, thence North 86°43'16" West 847.07 feet to a rebar set, thence North 01°00'24" East 76.02 feet to nail found at a bent iron pipe, thence North 89°12'54" West 100.50 feet to an existing iron pipe found, thence North 00°14'54" East 1,005.76 feet to an existing iron pipe, thence North 00°16'46" East 692.82 feet to an existing iron pipe, thence North 00°15'45" East 344.53 feet to an existing iron pipe, thence North 00°15'45" East 372.44 feet to a rebar set, thence North 00°22'39" East 30.01 feet to a rebar set, thence North 00°18'40" East 30.01 feet to an existing iron pipe, thence North 00°16'16" East 344.87 feet to an existing iron pipe, thence South 89°48'42" East 617.69 feet to an existing iron pipe, thence North 06°53'33" West 580.45 feet to a point in the centerline of Humie Olive Road (SR 1142)(60' Public Right of way), thence with said centerline North 81°10'21" East 136.24 feet to a point, thence North 81°24'46" East 53.40 feet to a point, thence North 83°08'38" East 60.19 feet to a point, thence North 85°15'06" East 77.57 feet to a point, thence North 85°46'28" East 104.35 feet to a point, thence North 85°53'22" East 147.45 feet to a point, thence North 86°13'49" East 26.06 feet to a point, thence North 86°13'49" East 35.00 feet to a point, thence North 86°13'49" East 115.00 feet to a point, thence leaving said centerline South 02°39'12" West 30.17 feet to a point on the southern right of way of Hume Olive Road (SR 1142)(60' Public Right of Way), thence leaving said right of way South 02°47'15" West 621.32 feet to an existing iron pipe, thence South 00°29'09" West 225.80 feet to an existing rebar, thence North 89°34'45" East 1,224.62 feet to the point and place of Beginning containing 141.732 Acres more or less.

NOTICE OF NEIGHBORHOOD MEETING

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

April 19, 2021

Date

Dear Neighbor:

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

SEE ATTACHED

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 checked="" type="checkbox"/> Major Site Plan	Town Council (QJPH*)
<input type="checkbox"/> Special Use Permit	Town Council (QJPH*)
<input checked="" 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)):

The rezoning is sought only to remove one zoning condition which requires the width of a front-facing garage to be no more than 40% of the total width of the home, including the garage. Changing this condition will help ensure the size of homes in the community are compatible. No other changes are sought.

Estimated submittal date: May 2021

MEETING INFORMATION:

Property Owner(s) name(s): SEE ATTACHED LIST

Applicant(s): M/I Homes

Contact information (email/phone): Jason Barron - Attorney for Applicant

Meeting Address: Zoom - Register at bit.ly/mlg04292021mtg

Date of meeting**: Thursday, April 29, 2021

Time of meeting**: 5:00 PM - 7:00 PM

MEETING AGENDA TIMES:

Welcome: 5:00 PM - 5:03 | Project Presentation: 5:03 PM - 5:10 | Question & Answer: 5:10 PM - 7:00 |

**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>.

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: Heelan PUD Amendment Zoning: PUD-CZ

Location: Between Horton Ridge Blvd and Humie Olive Road

Property PIN(s): See Attached List Acreage/Square Feet: 142.42 acres

Property Owner: See Attached List

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Developer: M/I Homes of Raleigh

Address: 1511 Sunday Drive

City: Raleigh State: NC Zip: 27607

Phone: _____ Fax: _____ Email: _____

Engineer: Jones & Clossen, PE

Address: P.O. Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: _____ Email: peter@jonesclossen.com

Builder (if known): Same as developer

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.

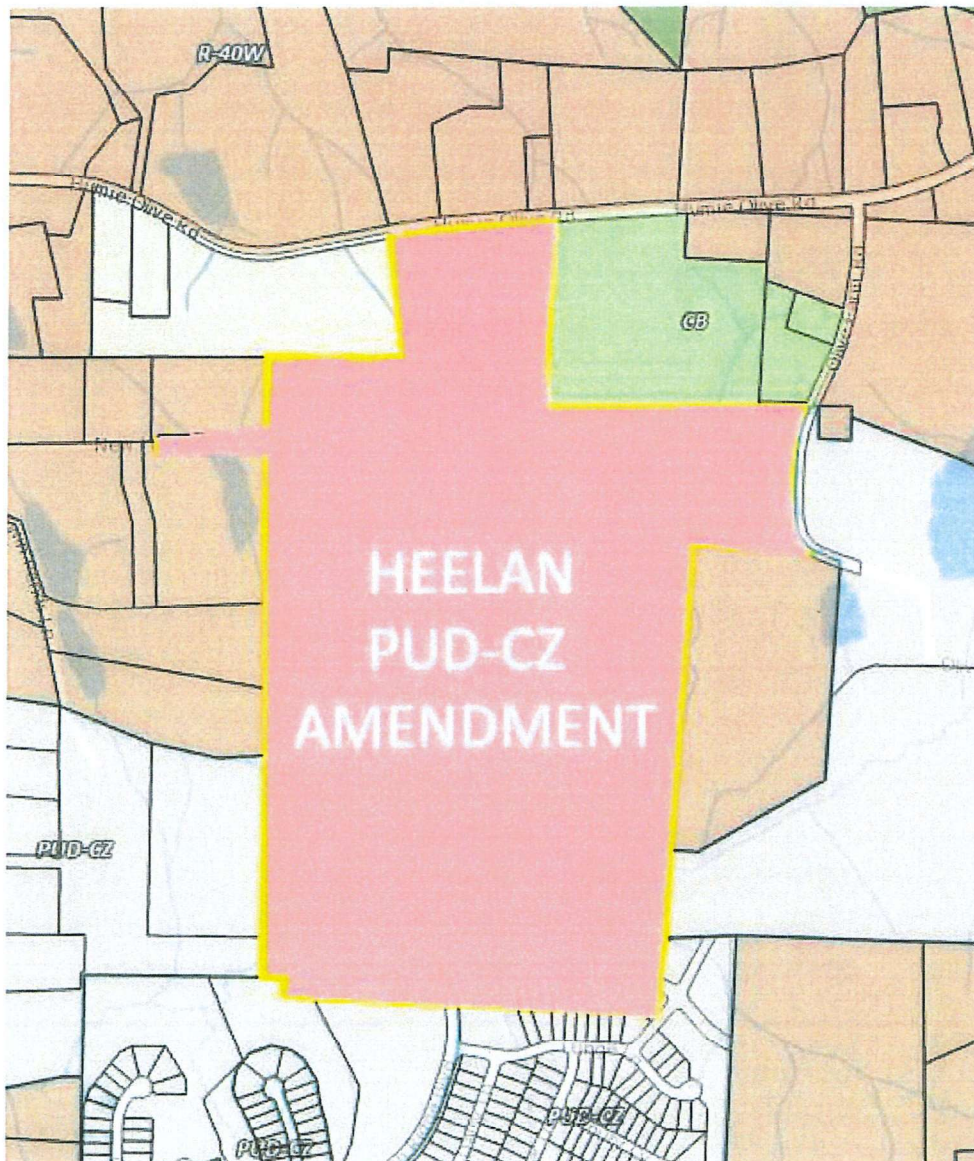
Electric Utility Installation: Rodney Smith 919-249-3342

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

Heelan PUD-CZ Amendment Owner Information

PIN	Site Address	Owner	Address
0710-98-7950	8824 NEW HOPE FARM RD	KASTELBERG, HENRY STEVEN	8824 NEW HOPE FARM RD NEW HILL NC 27562-9178
0710-99-0078	0 NEW HOPE FARM RD	KASTELBERG, HENRY STEVEN	8824 NEW HOPE FARM RD NEW HILL NC 27562-9178
0720-07-5965	3120 OLIVE FARM RD	CAROL B HEELAN IRREVOCABLE TRUST	10046 BISHOPS GATE BLVD PINEVILLE NC 28134-6568
0720-09-0188	8829 NEW HOPE FARM RD	PEART, EDWARD A PEART, DEBORAH N	8829 NEW HOPE FARM RD NEW HILL NC 27562-9179
0720-09-2779	0 HUMIE OLIVE RD	CICIN, JERIF CICIN, LISA	104 CORSICA LN CARY NC 27511-6476
0720-18-1967	3108 OLIVE FARM RD	CAROL B HEELAN IRREVOCABLE TRUST	10046 BISHOPS GATE BLVD PINEVILLE NC 28134-6568

Zoning and Vicinity Map



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: Virtual

Date of meeting: 4/29/21

Time of meeting: 5:00 PM - 7:00 PM

Property Owner(s) name(s): Henry Steven Kastelberg, Carol B Heelan Irrevocable Trust, Edward A & Deborah N Peart, & Jerif & Lisa Cicin

Applicant(s): M/I Homes

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.	Bob Kelly	3000 Gellbury Ridge B302			
2.	Paul Barth	2108 New Hill Olive Chapel Rd New Hill, NC 27562			
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

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): Henry Steven Kastelberg, Carol B Heelan Irrevocable Trust, Edward A & Deborah N Peart, & Jerif & Lisa Cicin

Applicant(s): M/I Homes

Contact information (email/phone): nghosh@morningstarlawgroup.com / 919-590-0362

Meeting Address: Virtual

Date of meeting: 4/29/21 Time of meeting: 5:00 PM to 7:00 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:

There were no concerns raised my attendees

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

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, Nil Ghosh, 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 Zoom (location/address) on April 29, 2021 (date) from 5:00 PM (start time) to 7:00 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

4/30/21
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE Durham

Sworn and subscribed before me, Jeffrey Phillips, a Notary Public for the above State and County, on this the 30th day of April, 2021.

SEAL



[Signature]
Notary Public
Jeffrey Phillips
Print Name

My Commission Expires: 02-24-2024

Heelan Property PUD

PD PLAN

APEX, NORTH CAROLINA

Submitted:

May 3, 2021

PREPARED BY:



Section 1: Table of Contents – PUD Text

Section 1: Table of Contents

Section 2: Vicinity Map

Section 3: Project Data

Section 4: Purpose Statement

Section 5: Permitted Uses

Section 6: Design Controls

Section 7: Architectural Controls

Section 8: Parking and Loading

Section 9: Signage

Section 10: Natural Resource and Environmental Data

Section 11: Stormwater Management

Section 12: Parks and Recreation

Section 13: Public Facilities

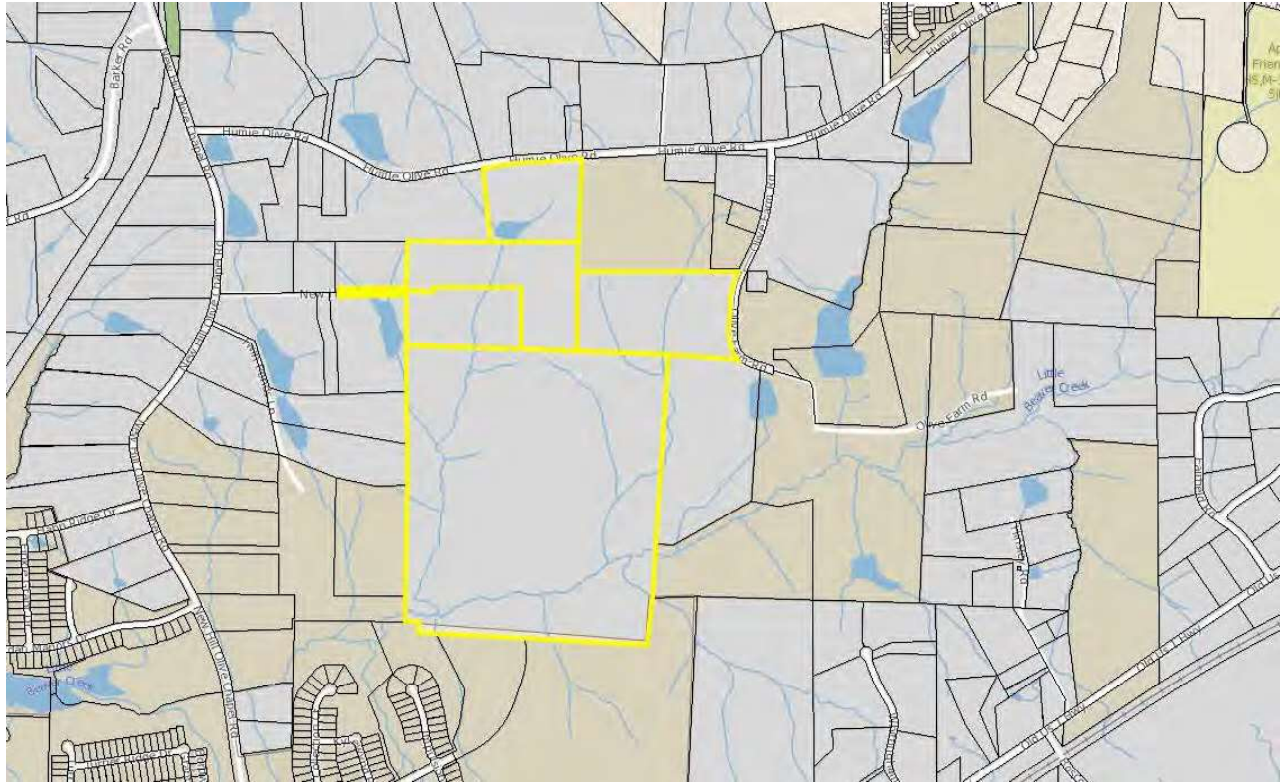
Section 14: Phasing Plan

Section 15: Consistency with 2045 Land Use Plan

Section 16: Compliance with UDO

Section 17: Compliance with Apex Bicycle Plan

Section 2: Vicinity Map



The Heelan Property PUD is in the southwest region of Apex, east of New Hill Olive Chapel Road, south of Humie Olive Road, west of Olive Farm Road, and north of Old US-1. The Friendship Station PUD is being developed just east of the property. The Woodbury Community is being developed south of the property and Jordan Manors is further west of the property.

Section 3: Project Data

A. Name of Project:

Heelan Property PUD

B. Property Owners:

Henry Steven Kastelberg
Carol B Heelan Irrevocable Trust
Lisa & Jerif Cicin
Deborah N & Edward A Peart

C. Prepared By:

Jason Barron, Partner
Morningstar Law Group
421 Fayetteville St | Ste 530
Raleigh, NC 27601

D. Current Zoning Designation:

Planned Unit Development – Conditional Zoning (PUD-CZ)

E. Proposed Zoning Designation:

Planned Unit Development – Conditional Zoning (PUD-CZ)

F. Current 2045 Land Use Map Designation:

Low Density Residential (≤ 3 units/acre)
Medium Density Residential (3-7 units/acre)

G. Proposed 2045 Land Use Map Designation:

Medium Density Residential
Low Density Residential

H. Proposed Use

Up to 520 dwelling units and associated open space, recreational amenities and infrastructure.

I. Size of Project

Wake County Tax Identification Number	Acreage
0710-98-6889	
0720-07-5965	
0720-09-2779	
0720-09-3139	
0720-18-1967	142.42 acres

Section 4: Purpose Statement

The Heelan Property PUD development will be a single-family residential community with both detached and townhomes. The maximum building height shall be forty-five feet (45') measured to the top of any pitched roof. A 20-ft Type B Buffer will be established along the majority of the project's boundary, except for a 50-foot Type B Thoroughfare Buffer along Humie Olive Road, and a 15-ft Type A Landscape Buffer along the southern boundary and portions of the east and west boundaries. Additionally, all the buildings shall be prewired for solar.

This concept is consistent with the Town's stated PUD goal to provide site specific, high quality neighborhoods that preserve natural features and exhibit compatibility with, and connectivity to, surrounding land uses. More specifically, this plan will:

- Allow uses that are compatible with Section 4.2.2, *Use Table* of the UDO
- Provide for the preservation of existing open space areas.
- Provide appropriate buffering and screening from the proposed use to the existing residential areas.
- Demonstrate dimensional standards that are consistent with the UDO, and where variations occur, said variations will be included herein and subject to Council approval.
- Provide a high-quality community that is linked by a network of connected streets and pedestrian sidewalks that promotes connectivity, walkability and healthy lifestyles.
- Exhibit character and quality that is compatible with surrounding communities, which is expected to enhance the value of surrounding land uses.
- Provide significant open space and walkable trails to promote pedestrian activity, while appropriately buffering adjacent residential areas.
- Extend Horton Ridge Boulevard from its current terminus through and to the eastern edge of the property.
- Construct and install a Town greenway addition through the property from the adjacent Olive Ridge PUD.
- In an effort to facilitate the Town's ability to extend Richardson Road in the future, dedication to the State of North Carolina of a conservation easement area of not less than 7.9 acres in order to facilitate release of other conservation easement area from the State of North Carolina.
- Provide energy efficient amenities, including prewiring of all single-family detached dwellings for solar installation, installation of electric vehicle charging stations at the amenity, and active solar installations for several single family model homes along with the primary amenity building for the property.
- In partnership with Habitat for Humanity or other non-profit affordable housing provider, provide for a minimum of fifteen (15) affordable townhome dwellings on the property.

All site-specific standards and conditions of this PUD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in the UDO Section 2.3.3, *Conditional Zoning Districts* and UDO Section 2.3.4.F.1, *Planned Unit Development (PUD-CZ)*

District. The proposed PUD will provide a development density that is consistent with principles found throughout the recently updated Advance Apex 2045.

Section 5: Permitted Uses

The development will only include residential and supporting uses. Specifically, the permitted uses include:

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

Additionally, the following conditions shall also apply:

- A. A maximum of 520 residential units shall be permitted upon the property, no more than 260 of which may be developed as townhomes.
- B. No covenant prohibiting the accessory apartment use shall encumber the property.

C. RICHARDSON ROAD CONSERVATION EASEMENT MITIGATION

- a. In concert with the Town's request to release the Richardson Road corridor from the State of North Carolina conservation easement, prior to the Town issuing the Tree Protection Fencing permit, the developer shall dedicate or cause to be dedicated to the State of North Carolina a conservation easement area over and upon approximately 7.946 acres of land as shown on the attached Exhibit A and more particularly described therein. The developer will endeavor to provide this dedication as early as commercially reasonable, but in no event later than described herein.

D. ENERGY EFFICIENCY

- a. All single-family detached dwellings constructed upon the property will be designed and constructed to include pre-configuration measures for future installation of roof-mounted solar panels.
- b. A minimum of two (2) model homes for single family detached dwellings constructed upon the property shall include installation of solar panels and power system of at least 4 KW capacity.
- c. Solar PV systems shall be installed upon the primary amenity building constructed upon the property. The size of such PV systems shall have a capacity of not less than .75 KW/1,000 HSF of building floor area.

- d. Development of the property shall include the installation of a minimum of two (2) electric vehicle charging stations within the primary amenity area as designated on the master subdivision plan.

E. AFFORDABLE HOUSING

- a. Prior to recording the plat containing the 200th lot upon the property, the developer shall record with the Wake County Register of Deeds an Option in favor of Habitat for Humanity of Wake County, Inc. ("Habitat Wake") or other non-profit affordable housing provider granting to Habitat Wake an option to purchase a minimum of fifteen (15) finished townhome lots within the community, with the cost of such lots being the cost that the developer pays for such lots. If the option is not exercised prior to recording of the last final plat for the development, then the developer shall cause the sum of \$300,000 to be paid to a non-profit organization participating in affordable housing. The developer will work with the Town of Apex to identify a mutually acceptable non-profit organization to receive these funds.

F. TREE CANOPY.

- a. To demonstrate the project's commitment to preserving and re-establishing tree canopy in our region, the developer seeks to replant and restore existing tree canopy that is removed from those portions of the property that are anticipated to contain single family and townhome lots. To that end, prior to recording the first subdivision plat for the property, the developer will provide a donation of \$19,200 to a local non-profit organization with a mission towards tree preservation and replacement. In those portions of the site where trees are removed for single family or townhome lots, the developer anticipates it can offset such removal by preserving 33.7 acres of existing tree canopy in other places on the site, and replacing and replanting trees over 95.82 acres of the rest of the property. As such, this \$19,200 donation represents an assigned per-tree value in substitute canopy for the remainder of the property.

Section 6: Proposed Design Controls

A. Maximum Non-Residential Design Controls

This PUD does not provide for any non-residential land uses (see Section 5, *Permitted Uses*).

B. Residential Densities and Design Controls

Density - The overall gross density shall not exceed 3.7 units per acre. Density within the region designated as Low Density on the 2045 Land Use Map shall not exceed 3 units per acre, with a maximum of 96 residential units in this area. A density of up to 6 units per acre is allowed within areas designated as Medium Density on the 2045 Land Use Map.

Design Controls – At a minimum all residential uses shall comply with the following dimensional standards:

- Maximum Density: 3.7 Units/Acre
(includes RCA and rights-of-way)
- Maximum Number of Units: 520
 - Within Low Density Residential: 96
- Maximum Built-Upon Area: 70%
- Minimum Lot Size: n/a
- Minimum Lot Width:
 - Townhome Lots: 18'
 - Single-Family Lots: 40'
- Maximum Building Height: 45' and 3 stories

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

Minimum Setbacks	Single-Family	Townhome
Front	10'	10'
Rear	20'	20'
Side	5'	0'
Corner	5'	5'
Building to Building	NA	10'
From Buffer/RCA	10' for Buildings 5' for Parking Areas	10' for Buildings 5' for Parking Areas

C. Buffers

Perimeter Buffers

- North boundary: 20-foot Type B
- South boundary: 15-foot Type A
- West boundary:
 - Adjacent to Use Class 1: 20-foot Type B
 - Adjacent to Other Use Classes: 15-ft Type A
- East boundary:
 - Adjacent to Use Class 1: 20-foot Type B
 - Adjacent to Other Use Classes: 15-ft Type A

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

Thoroughfare Buffers

As depicted on the PD Plan, a 50-ft Type B Buffer shall be established along Humie Olive Road. Acreage within this buffer may be used to accommodate easements for other purposes including, but not limited to, greenways, public

utilities, sidewalk, and the like.

Section 7: Proposed Architectural Controls

The proposed development offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Changes to the exterior materials, roof, windows, doors, process, trim, etc. are allowable with administrative approval at the staff level. Further details shall be provided at the time of Site Plan submittal. The following conditions shall apply:

- A. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
- B. Residential areas will utilize brick, stone, and fiber cement plank siding.
- C. Windows that are not recessed shall be trimmed. Windows shall vary in size and/or type.
- D. At least four of the following decorative features shall be used on each building: decorative shake, board and batten siding, decorative porch rails and posts, shutters, decorative functional foundation and roof vents, recessed windows, decorative windows, decorative brick or stone, decorative gables, decorative cornices, or metal roofing.
- E. A varied color palette shall be utilized throughout the development to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
- F. Garage doors shall have windows, decorative details or carriage-style adornments on them.
- G. The front facade of any front-loaded garage shall not protrude farther than five (5) feet forward of either (i) the front facade of the dwelling unit or (ii) the front porch of the dwelling unit, whichever is closer to the right-of-way from which the dwelling unit is addressed.
- H. J-drives or courtyard driveways shall be exempt from condition G above but shall make up no more than 30% of all single-family homes. There shall be no more than two (2) residences with a J-drive constructed in a row. Any lots eligible for a J-driveway home shall be identified on the Final Plat.
- I. Eaves shall project at least 12 inches from the wall of the structure.
- J. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
- K. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- L. 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:
 - 1. Windows
 - 2. Bay window
 - 3. Recessed window
 - 4. Decorative window
 - 5. Trim around the windows
 - 6. Wrap around porch or side porch
 - 7. Two or more building materials
 - 8. Decorative brick/stone
 - 9. Decorative trim

- | | |
|-----------------------------------|-------------|
| 10. Decorative shake | 14. Column |
| 11. Decorative air vents on gable | 15. Portico |
| 12. Decorative gable | 16. Balcony |
| 13. Decorative cornice | 17. Dormer |

M. Front porches shall be a minimum of 5 feet deep.

N. Additionally, the following conditions shall apply to any Townhome building(s):

1. The roof of each unit shall be horizontally and/or vertically distinct from any adjacent unit to avoid the appearance of a single mass.

Section 8: Parking and Loading

Parking for the development shall be per Town of Apex UDO. The requirements under Section 8.3 of the Town's UDO will be met.

Section 9: Signage

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

Section 10: Natural Resource and Environmental Data

A. River Basins and Watershed Protection Overlay Districts

The project is located within the primary watershed within the Beaver Creek Basin. Portions of the subject property along the southern boundary lie within Zone AE flood hazard areas according to the FEMA Floodplain Maps #s 3720072000J and 3720071000K. Based on review of the FEMA Floodplain Map #s 3720072000J and 3720071000K the majority of the subject property is located in the Zone X (non-shaded) area that is determined to be outside the 0.2% annual chance and future conditions 1% annual chance floodplain.

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

This PUD will be subject to, and meet the requirements of Section 8.1.2 of the UDO, *Resource Conservation Area* and Section 2.3.4, *Planned Development Districts*.

The Site is located on the west of the 540 corridor and therefore is required to preserve a minimum of 25% Resource Conservation Area (RCA). Because the project is planned to be mass graded, an additional 5% RCA is required per Section 7.2.5(B) of the Town's UDO. Designated RCA areas will be consistent with the items listed in Section 8.1.2(B) of the Town's UDO. Preserved streams, wetlands, and associated riparian buffers provide the primary RCA's throughout the site. Additional RCA area provided may include stormwater management areas, perimeter buffers, and greenway trails within the walkable community.

C. Any Historic Structures Present

As confirmed by the North Carolina State Historic Preservation Office and Capital Area Preservation, Inc. there are no historic structures present within the project boundary.

Section 11: Stormwater Management

A. This PUD shall meet all stormwater management requirements for quality and quantity treatment in accordance with Sections 2.3.4.F.1.h & 6.1.7 of the UDO, such that:

- Post development peak runoff shall not exceed pre-development peak runoff conditions for the 1 year, 10 year, and 25 year 24-hour storm events.

Section 12: Parks and Recreation

The Parks, Recreation, and Cultural Resources Advisory Commission reviewed the Heelan Assemblage Planned Unit Development at the January 29, 2020 Meeting. The Advisory Commission unanimously recommended the following with the understanding that the final credits for greenway construction and acreage for dedication will be determined at the time of Master Subdivision approval:

1. The dedicated land will be contiguous and directly south of the Town of Apex property intended for the future Olive Farm Park (PIN #s 0720-19-6276; 0720-19-0665; 0720-19-7417), being a portion of Parcel ID # 0720-18-1967 in Wake County.
2. The dedicated land shall not be bisected by any road(s) providing access into the applicant's property, nor by any public or private utilities corridors.
3. In the event the applicant acquires agreed upon property located offsite, being Parcel ID #s 0720-19-7898 and 0721-10-4045, as needed to meet dedication requirements, that property may be substituted for the property identified in Section 1 above and may be dedicated in satisfaction of the requirements of the UDO and upon the confirmation of the dedication calculations identified in the UDO, at any time prior to subdivision plan approval. Subdivision plan approval shall not be granted until applicant confirms which of the above options is being offered in satisfaction of dedication requirements.

Calculations for acreage dedication normally are based upon the total number of proposed units within a development. While the Heelan PUD contemplates a total of 520 units, no more than 260 of which would be Single Family Attached, the acreage dedication must be adjusted on account of credit the developer will receive for installation of a planned greenway.

The greenway construction for the Heelan PUD is planned for an estimated 0.80 miles which should be calculated at \$1.2M per mile or **\$960,000**. If the developer were not dedicating land for open space, the Recreation fee for the Heelan PUD would be:

$(260 \text{ Single Family Attached units} \times \$2,321.54 \text{ per unit}) + (260 \text{ Single Family Detached units} \times \$3,446.98 \text{ per unit}) = \mathbf{\$1,499,815.20}$

Subtracting the greenway construction cost from the calculated Recreation fee shows a remaining value of **\$539,815.20** = \$1,499,815.20 - \$960,000.00.

Dividing this remaining value by the per unit Recreation fee determines the number of units which should serve as the basis for the required acreage dedication:

\$539,815.20 / \$2,321.54 per Single Family Attached unit \approx **232.5 Single Family Attached units**

Therefore, the required acreage dedication can be calculated using the Town's per unit acreage schedule:

232.5 Single Family Attached units X 0.0223 acres per unit \approx **5.2 acres**

Section 13: Public Facilities

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

- **General Roadway Infrastructure**

Developer shall provide minimum frontage widening based on $\frac{1}{2}$ of a 2-lane thoroughfare in the rural context with public right-of-way dedication based on a 110-foot right-of-way along Humie Olive Road. The road network will promote connectivity wherever possible to adjacent neighborhoods and undeveloped property. Further, cul-de-sacs will be avoided except where environmental features make through streets unfeasible. Sidewalks will be provided on both sides of streets internal to the site and along street frontage.

Please refer to the concept plan of the PUD plan for proposed access points, stub streets and planned vehicular connectivity. All access and circulation are conceptual and will be finalized at the time of Development Plan review and approval.

- **Transportation Improvements**

Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the site plan and construction plan approval process. A traffic study has been performed as part of this PUD rezoning consistent with the Town's standards for the same. Based upon the traffic study, the following traffic improvements are proposed for this development:

- Developer shall construct a westbound left turn lane on Humie Olive Road at the proposed Site Drive with minimum 75 feet of storage and appropriate deceleration length and taper.
- Developer shall restripe the existing westbound approach of Horton Ridge Boulevard at New Hill Olive Chapel Road to accommodate an exclusive right turn lane and a shared through-left lane at the intersection.

- An eastbound left turn lane shall be constructed on Humie Olive Road at Richardson Road with minimum of 200 feet of storage plus appropriate deceleration length and taper prior to the 200 platted lot.
- Developer shall construct an eastbound right turn lane on Humie Olive Road at the proposed Site Drive with minimum 75 feet of storage and appropriate deceleration length and taper.
- Consistent with the 2045 Advance Apex Thoroughfare and Collector Street Plan and State law, the Developer shall construct Horton Ridge Boulevard in accord with the Town's design standards for a Major Collector.

- **Water and Sanitary Sewer**

All lots within the project will be served by the Town of Apex for water and sanitary sewer. The utility design will be finalized at the time of Development Plan review and approval based upon available facilities adjacent to the site at that time. A conceptual utility plan is included in the PUD plan for reference. The ultimate design for the utilities must meet the current Town of Apex master water and sewer plans for approval.

- **Other Utilities**

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

Section 14: Phasing Plan

This development is expected to be phased. The number and timing of the phases will depend on market conditions and other factors. Construction is anticipated to begin in 2022. Project phasing will be planned to ensure the points of access are provided in accordance with the UDO.

Section 15: Consistency with the 2045 Land Use Map

The proposed land use is consistent with the 2045 Land Use Map.

Section 16: Compliance with the UDO

The development standards adopted for this PUD follow those set forth in the current version of the Town's Unified Development Ordinance (UDO). Any deviations from UDO requirements have been specifically defined elsewhere within this document and/or below:

Section 17: Compliance with Comprehensive Transportation Plan and Bicycle Plan

Development plans for new development made pursuant to this amendment to the Official Zoning District Map shall comply with the adopted Comprehensive Transportation Plan in effect at the time the development plan is submitted as provided for in the Unified Development Ordinance. Further, development of the Property shall be consistent with the Town's adopted Bicycle Plan. Pursuant to Bike Apex, new development on the property shall provide a 20' easement generally along Humie Olive Road within which a

Heelan PUD

10' wide asphalt meandering trail shall be installed.

Heelan PUD

EXHIBIT A
CONSERVATION MITIGATION AREA

NOTES:

- BOUNDARY AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A SURVEY COMPLETED BY ROBINSON 4 PLANNING SURVEYORS.
- THE DATE ON THE ALTA SURVEY PROVIDED BY ROBINSON 4 PLANNING SURVEYORS IS 10/29/19.
- TOPOGRAPHIC INFORMATION FOR THE SITE WAS TAKEN FROM NORTH CAROLINA SPACIAL DATA LIDAR.
- THE SITE HAS BEEN EVALUATED FOR THE EXISTENCE OF WETLANDS AND STREAMS BY SPANGLER ENVIRONMENTAL, LLC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREAM BUFFERS ARE SHOWN AS SURVEYED.
- CONSTRUCTION VEHICLE PARKING SHALL BE LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF FIRE HYDRANTS). SIGNS INDICATING NO CONSTRUCTION VEHICLES THIS SIDE OF STREET IN ENGLISH AND SPANISH.
- ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED.
- INSTALLATION OF SALT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS.
- PRIMARY ENTRANCE LOCATION MAY SHIFT TO AVOID RELOCATION OF POWER POLE. FINAL LOCATION TO BE DETERMINED AT MASTER SUBDIVISION PLAN.



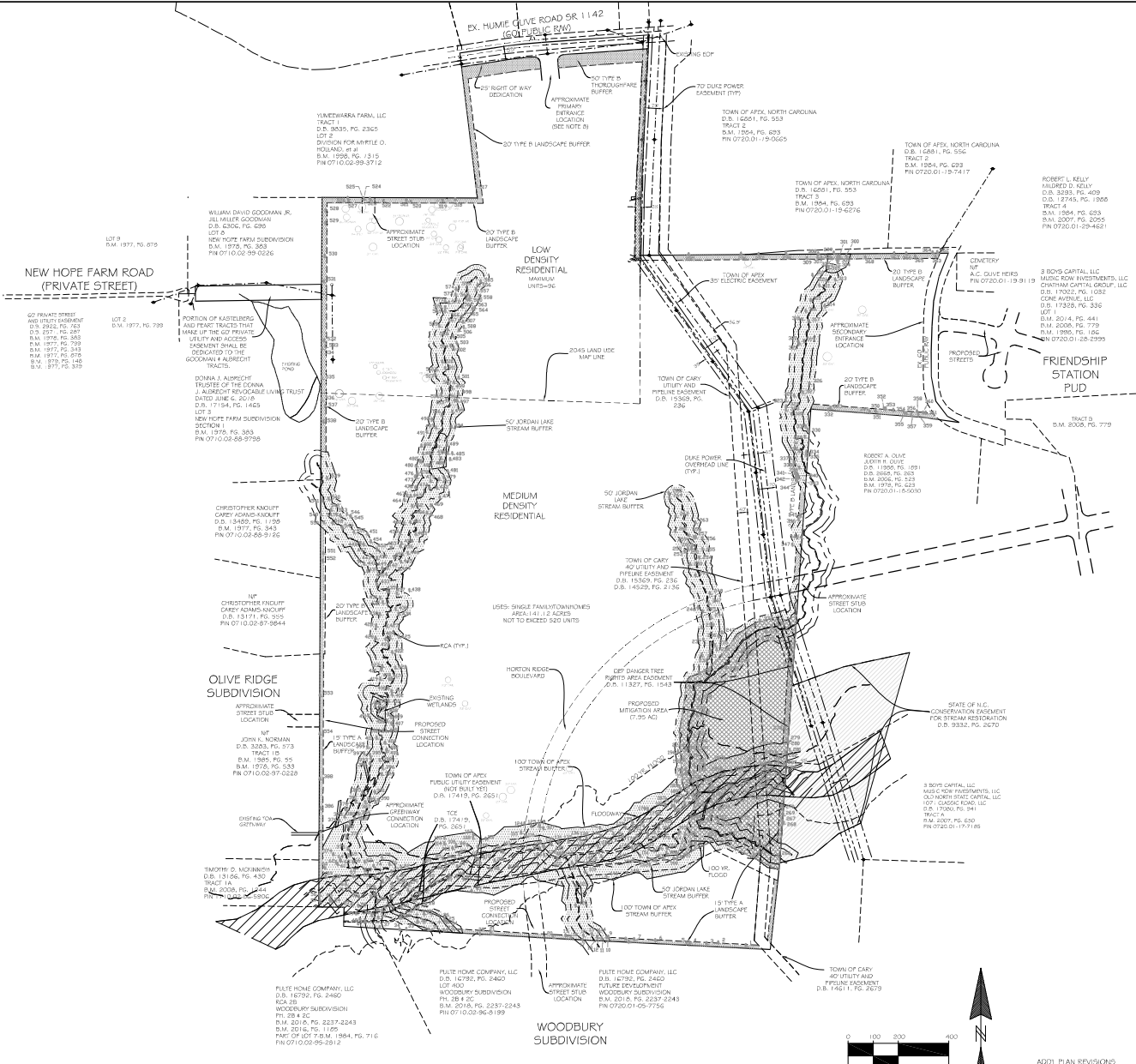
PLANNING NOTES:

- STREET SUB CONNECTIONS SHOWN HEREON ARE PRELIMINARY AND MAY CHANGE AT THE TIME OF MASTER PLAN APPROVAL.
- THE RESOURCE CONSERVATION AREA (RCA) SHOWN HEREON IS PRELIMINARY AND MAY CHANGE AT THE TIME OF MASTER PLAN APPROVAL.
- THE MAINTENANCE OF CANALS, LANDSCAPE BUFFERS, PASSAGE OPEN SPACE, COMMON AREAS, AND THE STORMWATER DEVICES SHALL BE THE RESPONSIBILITY OF THE PROPERTY ASSOCIATION.
- ALL SIGNAGE SHALL COMPLY WITH TOA UDO SECTION 6.7. SIGNS
- THE PUD SHALL LIMIT TOWN OF APEX STORMWATER REQUIREMENTS OUTLINED IN TOA UDO SECTION 6.7.7 SUCH THAT POST-DEVELOPMENT RUNOFF SHALL NOT EXCEED THE PRE-DEVELOPMENT RUNOFF FOR THE 1-YEAR AND 10-YEAR, 24 HOUR STORM EVENTS.
- ALL SINGLE-FAMILY HOMES ON THE PROPERTY SHALL PROVIDE SOLAR CONDUIT FOR THE INSTALLATION OF ROOFTOP SOLAR PANELS.
- THE PUD SHALL PROVIDE TWO EV CHARGING STATIONS AT THE PLANNED AMENITY CENTER. ACTIVE SOLAR INSTALLATION FOR A MINIMUM OF TWO MODEL HOMES, AND ACTIVE SOLAR INSTALLATION FOR THE PRIMARY AMENITY BUILDING.
- THE ALIGNMENT OF HORTON RIDGE BOULEVARD IS PRELIMINARY. THE FINAL ALIGNMENT SHALL BE DETERMINED AT MASTER SUBDIVISION IN REVIEW WITH TOWN OF APEX STAFF.
- ALL ENVIRONMENTAL PERMITTING ASSOCIATED WITH THE CONSTRUCTION OF HORTON RIDGE BOULEVARD SHALL BE HANDLED BY THE TOWN OF APEX.
- THIS SHALL BE A PHASED DEVELOPMENT COMPLETED IN UP TO 5 PHASES. ALL PHASES SHALL BE SHOWN AT THE TIME OF MASTER SUBDIVISION PLAN SUBMITTAL.
- THIS DEVELOPMENT WILL BE MASS GRADED SO AN ADDITIONAL 5% RCA WILL BE REQUIRED PER UDO SECTION 7.2.5(B).
- THE 50' TYPE B THOROUGHFARE BUFFER ALONG HUMIE OLIVE ROAD SHALL INCLUDE A MEANDERING 10' ASPHALT PATH WITHIN A 20' GREENWAY EASEMENT. COORDINATION OF PATH LOCATION WITH PLANNING STAFF SHALL OCCUR AT THE MASTER SUBDIVISION PLAN PROCESS.
- THE PUD SHALL DEDICATE A CONSERVATION EASEMENT OF NOT LESS THAN 7.9 ACRES TO THE STATE OF NORTH CAROLINA IN ORDER TO FACILITATE RELEASE OF OTHER CONSERVATION EASEMENT AREA FROM THE STATE OF NORTH CAROLINA. THIS DEDICATION IS TO PROVIDE THE TOWN WITH THE ABILITY TO EXTEND RICHARDSON ROAD IN THE FUTURE.
- THE PUD SHALL PROVIDE HABITAT FOR HUMANITY OR OTHER NON-PROFIT AFFORDABLE HOUSING PROVIDER UP TO TEN (10) AFFORDABLE TOWNHOME LOTS PRIOR TO PLATING THE 200TH LOT.
- TO DEMONSTRATE THE PROJECT'S COMMITMENT TO PRESERVING AND RE-ESTABLISHING TREE CANOPY IN OUR REGION, THE DEVELOPER SHALL TO REPLANT AND RESTORE EXISTING TREE CANOPY THAT IS REMOVED FROM THOSE PORTIONS OF THE PROPERTY THAT ARE ANTICIPATED TO CONTAIN SINGLE-FAMILY AND TOWNHOME LOTS. TO THAT END, PRIOR TO RECORDING THE FIRST SUBDIVISION PLAN FOR THE PROPERTY, THE DEVELOPER WILL PROVIDE A DONATION OF \$19,200 TO A LOCAL NON-PROFIT ORGANIZATION WITH A MISSION TOWARDS TREE PRESERVATION AND REPLACEMENT. IN THOSE PORTIONS OF THE SITE WHERE TREES ARE REMOVED FOR SINGLE-FAMILY OR TOWNHOME LOTS, THE DEVELOPER ANTICIPATES IT CAN OFFSET SUCH REMOVAL BY PRESERVING 3.7 ACRES OF EXISTING TREE CANOPY IN OTHER PLACES ON THE SITE, AND REPLACING AND REPLANTING TREES OVER 95.82 ACRES OF THE REST OF THE PROPERTY. AS SUCH, THIS \$19,200 DONATION REPRESENTS AN ASSIGNED PER-ACRE VALUE IN SUBDIVISION CONSTRUCTION COSTS.
- NO BUFFER SHALL BE REQUIRED BETWEEN EXISTING TOA PARK LAND AND ANY LAND DEDICATED TO MEET THE TOA PARKS, RECREATION AND CULTURAL RESOURCES ADVISORY COMMISSION RECOMMENDATION.

04/29/21

TRANSPORTATION ELEMENTS:

- AN EASTBOUND LEFT-TURN LANE SHALL BE CONSTRUCTED ON HUMIE OLIVE ROAD AT RICHARDSON ROAD WITH MINIMUM OF 200 FEET OF STORAGE PLUS APPROPRIATE DECELERATION LENGTH AND TAPER PRIOR TO THE 200 PLATTED LOT.
- DEVELOPER SHALL RESTRIPE THE EXISTING WESTBOUND APPROACH OF HORTON RIDGE BOULEVARD AT NEW HUMIE OLIVE CHAPEL ROAD TO ACCOMMODATE AN EXCLUSIVE RIGHT-TURN LANE AND A SHARED THROUGH-LEFT LANE AT THE INTERSECTION.
- THE DEVELOPER SHALL CONSTRUCT HORTON RIDGE BOULEVARD TO THE TOWN OF APEX MAJOR COLLECTOR STANDARD.
- DEVELOPER SHALL CONSTRUCT A WESTBOUND LEFT-TURN LANE ON HUMIE OLIVE ROAD AT THE PROPOSED SITE DRIVE WITH MINIMUM 75 FEET OF STORAGE AND APPROPRIATE DECELERATION LENGTH AND TAPER.
- DEVELOPER SHALL CONSTRUCT AN EASTBOUND RIGHT-TURN LANE ON HUMIE OLIVE ROAD AT THE PROPOSED SITE DRIVE WITH MINIMUM 75 FEET OF STORAGE AND APPROPRIATE DECELERATION LENGTH AND TAPER.
- A WESTBOUND LEFT TURN LANE WITH 50 FEET OF STORAGE AND APPROPRIATE DECELERATION LENGTH AND TAPER SHALL BE PROVIDED ON HUMIE OLIVE ROAD AT OLIVE FARM ROAD PRIOR TO PLATING ACCESS TO OLIVE FARM ROAD.
- DEVELOPER SHALL IMPROVE OLIVE FARM ROAD BASED ON A MINIMUM 27' BACK-TO-BACK ROADWAY SECTION ALONG THE DEVELOPMENT FRONTAGE AND AVOID DIRECT RESIDENTIAL ACCESS. WHERE DEVELOPMENT IS ON ONE SIDE OF THE ROAD AND THE OPPOSITE SIDE IS UNIMPROVED, THE OPPOSITE SIDE SHALL BE CONSTRUCTED BASED ON A MINIMUM 22' EDGE-TO-EDGE TYPICAL SECTION.
- OLIVE FARM ROAD SHALL BE PAVED BASED ON A MINIMUM 27' EDGE-TO-EDGE TYPICAL SECTION WITH MINIMUM 30 MPH DESIGN SPEED FROM THE DEVELOPMENT BOUNDARY TO HUMIE OLIVE ROAD PRIOR TO PLATING ACCESS TO OLIVE FARM ROAD.
- OLIVE FARM ROAD SHALL MEET APEX MAJOR COLLECTOR STREET AND MEET MINIMUM REQUIREMENTS FOR SECONDARY ROAD TRAVEL STRUCTURE FOR ALL IMPROVED SECTIONS.
- A SOUTHBOUND LEFT TURN LANE WITH 150 FEET OF FULL WIDTH STORAGE AND APPROPRIATE DECELERATION LENGTH AND TAPER SHALL BE CONSTRUCTED ON NEW HUMIE OLIVE CHAPEL ROAD AT HUMIE OLIVE ROAD PRIOR TO THE 200TH PLATTED LOT.
- THE WESTBOUND LEFT TURN LANE ON HUMIE OLIVE ROAD AT NEW HUMIE OLIVE CHAPEL ROAD SHALL BE CONSTRUCTED TO PROVIDE 200 FEET OF FULL WIDTH STORAGE AND APPROPRIATE DECELERATION LENGTH AND TAPER PRIOR TO THE 200TH PLATTED LOT.
- DEVELOPER SHALL MONITOR THE INTERSECTION OF RICHARDSON ROAD AT HUMIE OLIVE ROAD FOR INSTALLATION OF A TRAFFIC SIGNAL AND INSTALL WHEN WARRANTED. A WARRANT STUDY SHALL BE CONDUCTED FOLLOWING THE 200TH PLATTED LOT OR AS OTHERWISE DIRECTED BY APEX STAFF. IF A TRAFFIC SIGNAL IS NOT PERMITTED BY NCOTM FOR THE 200TH PLATTED LOT, THE DEVELOPER SHALL CONSTRUCT A SOUTHBOUND LEFT TURN LANE ON RICHARDSON ROAD AT HUMIE OLIVE ROAD WITH 150 FEET OF STORAGE AND APPROPRIATE DECELERATION LENGTH AND TAPER. CONSTRUCTION OF THE SOUTHBOUND LEFT TURN LANE SHALL RELEASE THE DEVELOPER FROM THE REQUIREMENT TO INSTALL A TRAFFIC SIGNAL.



**PRELIMINARY PLANS
NOT FOR CONSTRUCTION**



THIS SHEET IS FOR
ILLUSTRATIVE PURPOSES ONLY

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Civil Engineering | Construction Management | Land Planning

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FOR REVIEW ONLY

HEELAN PROPERTY PUD
PD PLANS
PRELIMINARY LAYOUT PLAN

DATE	1"=200'	PDC
DATE	OCTOBER 1, 2019	
REVISION	DATE	BY
1	10/27/19	HW TRC REVIEW
2	10/29/19	DWH TRC REVIEW
3	11/08/19	DWH TRC REVIEW
4	12/07/19	DWH TRC REVIEW
5	03/13/20	DWH TRC REVIEW
6	03/07/20	DWH TRC REVIEW
DATE	2019	
DATE	1910	

ADD PLAN REVISIONS
04/29/21 NOTE 16

