

STAFF REPORT

Rezoning #21CZ10 Kelly Woods

June 22, 2021 Town Council Meeting



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

BACKGROUND INFORMATION:

Location: 2300 & 2324 Kelly Road

Applicant/Owners: AMH Development, LLC/Daniel & Denise Schardt and Barbara Jo W Timberlake, Trustee of Barbra Jo W Timberlake Family Trust

PROJECT DESCRIPTION:

Acreage: ± 19.424 acres

PINs: 0731254251 & 0731259148

Current Zoning: Rural Residential (RR) and Residential Agricultural (RA)

Proposed Zoning: Medium Density Residential-Conditional Zoning (MD-CZ)

2045 Land Use Map: Medium Density Residential

Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Rural Residential (RR); Residential Agricultural (RA)	Holland Road; Single-family detached; vacant
South:	Rural Residential (RR); Planned Unit Development-Conditional Zoning (PUD-CZ Rezoning Case #20CZ05)	Southwinds Run; Single-family detached; West Village (subdivision)
East:	Residential Agricultural (RA); Planned Unit Development-Conditional Zoning (PUD-CZ Rezoning Case #15CZ33)	Kelly Road; vacant; West Village (subdivision)
West:	Rural Residential (RR)	Vacant

Existing Conditions:

The subject properties are located south of Holland Road, west of Kelly Road, and north of Southwinds Run. The subject properties have residential structures. The subject properties are bisected by multiple streams and heavily wooded, with existing residential structures on site.

Neighborhood Meeting:

The applicant conducted a neighborhood meeting on March 30, 2021. The neighborhood meeting report is attached. The parcel at 2508 Southwinds Run was included in the petition presented at the neighborhood meeting, but is no longer part of the petition.

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that schools at elementary and high school grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment. School expansion or construction within the next five years may address concerns at the High School grade levels.

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2045 LAND USE MAP:

The 2045 Land Use Map identifies the properties subject to this rezoning as Medium Density Residential. The proposed rezoning to Medium Density Residential-Conditional Zoning is consistent with that land use classification.

PERMITTED USES:

The applicant is proposing the following uses permitted uses:

1. Single-Family
2. Utility, minor
3. Greenway
4. Recreation facility, private
5. Accessory apartment

PROPOSED ZONING CONDITIONS:

1. The development shall have a maximum of 45 single-family residential lots and a maximum density of 2.32 du/acre.
2. The proposed minimum setbacks for the single-family residential lots shall be: front 20', rear 20', side 5' and corner side 10'.
3. To shade and reduce cooling costs, the development shall provide deciduous shade trees adjacent to the southern elevation of each house at time of Master Subdivision Plan as practical and appropriate to the overall site layout requirements.
4. The development shall provide diverse and abundant pollinator sources (e.g. larval host plants, nectar, pollen, berries and blooming plants) that bloom in succession from spring to fall. Species shall be selected from the Design & Development Manual or otherwise approved by Planning Staff.
5. Planting species shall be selected to reduce irrigation and chemical use. At least 50% of proposed required plants shall be native species, except for turf grass.
6. The development shall provide native species listed in the Design & Development Manual or otherwise approved by Planning Staff to increase the native diversity of hardwood trees on site. No species shall constitute more than 25% of the required plantings for each planting type (trees, shrubs, etc).
7. The development shall include signage identifying environmentally sensitive areas to discourage pet waste and chemical use in the vicinity. A minimum of one sign shall be provided where appropriate within this development.
8. The Town of Apex staff shall work with the applicant's engineer to determine if existing soil conditions can support LID techniques based on NC DEQ standards. If the soils are appropriate, Town staff will work with the engineer and applicant to approve at least one (1) LID technique on the project as practical.
9. The development shall provide at least two (2) pet waste stations total, one at each end of the pedestrian trail that connect areas of the site.
10. Outdoor lighting shall be full cut off and shielded to prevent glare and light spill over to minimize impact of neighboring residential properties. LED fixtures shall be used and the lighting temperature shall be a maximum of 3500 Kelvin.

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11. Single-family residential Architectural conditions:

- a. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
- b. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
- c. Eaves shall project at least 12 inches from the wall of the structure.
- d. Garage doors shall have decorative details or carriage-style adornments on them.
- e. The garages shall not protrude more than two feet out from the front façade and front porch.
- f. The visible side of a home on a corner lot facing the public street shall contain at least two (2) decorative elements such as, but not limited to, the following elements:
 - i. Windows: recessed window or decorative window
 - ii. Trim around windows
 - iii. Two or more building materials
 - iv. Decorative brick/stone
 - v. Decorative trim
 - vi. Decorative shake
 - vii. Decorative air vents on gable
 - viii. Decorative gable
 - ix. Column, balcony, or dormer
- g. 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 a varied trim, shutter, and accent colors complementing the siding color.
- h. House entrances for units with front-facing single-car garages shall have a covered porch/stoop area leading to the front door.
- i. Front porches shall be a minimum of six feet deep.
- j. All single-family detached homes shall be pre-configured with conduit for a solar energy system.
- k. Homeowner Association covenants shall not restrict the construction of accessory apartment units.

12. Any cul-de-sac that is accessed from Southwinds Run shall not be subject to UDO Sec. 7.2.1.G.3.

13. The developer shall contribute \$250.00 per single-family lot to the Town of Apex Affordable Housing Fund. Contribution to be paid at time of plat.

ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on March 18, 2021. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
Preserve tree canopy within all buffers and perimeter boundaries	Not added; preservation of trees within required perimeter buffers and other RCA areas is already required per UDO.
Deciduous shade trees located on the south side of structures	Added
Planting native selections and habitat supportive species specific to pollinators	Added
Plantings for season succession to support native wildlife	Added
Plant selection will limit required irrigation	Added
Trees will be selected to increase native species diversity of hardwood trees	Added

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Areas outside of new construction will be preserved to maintain native habitat/systems	Not added; will meet UDO requirement to provide 30% RCA or 35% RCA if subdivision is mass graded
Pet waste and chemical use signage	Added
LID Techniques	Added
Pet waste stations	Added
Add shielded light options to reduce light pollution	Added

PLANNING BOARD RECOMMENDATION:

The Planning Board held a Public Hearing on June 14, 2021 and voted to recommend approval, with the conditions as offered by the applicant by a vote of 7-1. The Planning Board also included a note to Town Council that expressed concerns about whether sub leasing is prohibited, need for additional screening along Southwinds Run, and addressing neighbors' requests for a financial contribution to help them connect to water in the future if desired.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of #21CZ10 Kelly Woods with the conditions as offered by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

Approval of the rezoning is reasonable because the proposed Medium Density Residential-Conditional Zoning (MD-CZ) district is consistent with the 2045 Land Use Plan. The 2045 Land Use Map classifies the subject property as Medium Density Residential which includes the MD-CZ district.

The proposed rezoning is reasonable and in the public interest because it permits single-family residential development consistent and compatible with the surrounding area. The proposed rezoning 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.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the Medium Density Residential-Conditional Zoning (MD-CZ) designation demonstrates compliance with the following standards. Sec. 2.3.3.F:

Legislative Considerations

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.

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- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

Crockett's Ridge

Rezoning #21CZ10

Citrus Hill Dr

Village at Crocketts Ridge

Stroup St

Holland Rd

Eva Pearl Dr

West Village

Southwinds Run

Westwinds

Kelly Rd



PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE MAP

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 #: 21CZ10 Submittal Date: 06/01/2021
2045 LUM Amendment: N/A Fee Paid: \$900.00

Project Information

Project Name: Kelly Woods
Address(es): 2300 Kelly Rd, 2324 Kelly Rd & Apex, NC 27502
PIN(s): 0731-25-4251, 0731-25-9148
Acreage: 19.424 Ac
Current Zoning: RR & RA Proposed Zoning: MD-CZ
Current 2045 LUM Designation: Medium Density Residential
Proposed 2045 LUM Designation: 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: AMH Development , LLC
Address: 2100 Gateway Centre Blvd, Suite 120
City: Morrisville State: NC Zip: 27560
Phone: 919-582-6197 E-mail: sfreeman@ah4r.com

Owner Information

Name: Daniel & Denise Schardt / Barbara Jo W Timberlake
Address: 2324 Kelly Rd / 2300 Kelly Rd
City: Apex / Apex State: NC Zip: 27502
Phone: 919-244-5343/919-244-0649 E-mail: bowtieguy1963@yahoo.com / bjtlake@att.net
Barbara Jo Timberlake: 919-362-0126

Agent Information

Name: Stephen Freeman
Address: 2100 Gateway Centre Blvd, Suite 120
City: Morrisville State: NC Zip: 27560
Phone: 919-582-6197 E-mail: sfreeman@ah4r.com

Other contacts: Emily Rothrock, ESP Associates, Inc. erothrock@esspassociates.com

Please do not contact Agent (client) above with comments or review responses.
ESP is working on behalf of the client to manage this review as part of our
Professional agreement.

PETITION INFORMATION

Application #:

21CZ10

Submittal Date:

06/01/2021

An application has been duly filed requesting that the property described in this application be rezoned from RR/RA to MD-CZ. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance. It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval. Use additional pages as needed.

PROPOSED USES:

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

1	Single - Family	21	
2	Utility, minor	22	
3	Greenway	23	
4	Recreation facility, private	24	
5	Accessory apartment	25	
6		26	
7		27	
8		28	
9		29	
10		30	
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19		39	
20		40	

PETITION INFORMATION

Application #:

21CZ10

Submittal Date:

06/01/2021

PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

See attached list of Zoning Conditions.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The Town of Apex 2045 Land Use Map lists MD as the future zoning district for these parcels. The proposed MD-CZ aligns with the district intent of Medium Density Residential with a proposed single-family detached use. And the proposed conditions include a maximum density of 2.32 du/acre which falls under the max. 6 du/acre allowed.

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

The proposed single-family use is compatible with the surrounding land use to the north and south which is predominantly single-family and townhome. The future land use map includes Commercial Mixed Use across Kelly Rd to the east. The proposed MD-CZ zoning would provide a transition from the higher density to the east and fit within the existing surrounding neighborhoods.

PETITION INFORMATION

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Submittal Date:

06/01/2021

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

If applicable, the proposed uses will meet supplemental standards for the proposed use as noted in Section 4.4

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

The proposed development will be 3-5 bedroom single family homes and the intended use will be consistent with the existing surrounding neighborhood conditions and use. The proposed density is significantly under the allowed maximum and would not adversely impact the character of the adjacent neighborhood areas. Additionally, AHM Development, LLC provides consistent maintenance and upkeep of their properties. Environmental features are protected on the interior and entries are located so as to reduce traffic impacts on Kelly Rd.

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

The proposed development will protect wetland & stream buffers, utilize existing vegetation to the greatest extent practical and proposed conditions include the recommended conditions from the EAB.

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

The proposed development will include stormwater quality and quantity solutions on site.

The density proposed will allow for comfortable open space and a well laid out community while preserving existing environmental features and integrity of proposed preserved vegetated areas. The proposed development will connect to municipal water and will not impact existing neighbor well aquifers.

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

The proposed development is consistent with the 2045 Land Use Map and the proposed development will focus on the health, safety and welfare of the community by including lower density development, open spaces within individual lots and common areas. Pedestrian friendly streetscape, walking trails, and naturalized planting will be considered during future design as an enhancement to quality of the neighborhood lifestyle.

PETITION INFORMATION

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21CZ10

Submittal Date:

06/01/2021

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

The proposed development is consistent with the 2045 Land Use Map & surrounding land uses and is not detrimental to adjacent properties in any way. The developer and future owner will collaborate with neighbors to address questions and comments from the Neighborhood Meeting and maintain the integrity of the future development.

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

The proposed single-family use is an allowed use in the MD zoning district and will not impact the area with nuisance or hazards.

The density proposed is under the maximum density allowed in the MD zoning district.

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

The proposed development complies with all standards imposed by all other applicable provisions of Town of Apex UDO for use, layout, and general development characteristics.

Kelly Woods

Conditions of Zoning

Town Council Conditions

1. The development shall have a maximum of 45 single-family residential lots and a maximum density of 2.32 du/acre.
2. The proposed minimum setbacks for the single-family residential lots shall be: front 20', rear 20', side 5', and corner side 10'.
3. To shade and reduce cooling costs, the development shall provide deciduous shade trees adjacent to the southern elevation of each house at the time of Master Subdivision Plan as practical and appropriate to the overall site layout requirements.
4. The development shall provide diverse and abundant pollinator sources (e.g., larval host plants, nectar, pollen, berries, and blooming plants) that bloom in succession from spring to fall. Species shall be selected from the Design & Development Manual or otherwise approved by Planning Staff.
5. Planting species shall be selected to reduce irrigation and chemical use. At least 50% of proposed required plants shall be native species, except for turf grass.
6. The development shall provide native species listed in the Design & Development Manual or otherwise approved by Planning Staff to increase the native diversity of hardwood trees on site. No species shall constitute more than 25% of the required plantings for each planting type (trees, shrubs, etc.)
7. The development shall include signage identifying environmentally sensitive areas to discourage pet waste and chemical use in the vicinity.
A minimum of one (1) sign shall be provided where appropriate within this development.
8. The Town of Apex staff shall work with the applicant's engineers to determine if existing soil conditions can support LID techniques based on NC DEQ standards. If the soils are appropriate, Town staff will work with the engineer and applicant to approve at least one (1) LID technique on the project as practical.
9. The development shall provide at least two (2) pet waste stations total, one at each end of the pedestrian trail that connect areas of the site.
10. Outdoor lighting shall be full cut off and shielded to prevent glare and light spill over to minimize impact of neighboring residential properties. LED fixtures shall be used, and the lighting temperature shall be a maximum of 3500 Kelvin.
11. Single-family residential Architectural conditions:
 - a. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted
 - b. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
 - c. Eaves shall project at least 12" from the wall of the structure.
 - d. Garage doors shall have decorative details or carriage-style adornments on them.
 - e. The garage shall not protrude more than two feet out from the front façade and front porch.

- f. The visible side of the home on a corner lot facing the public street shall contain at least two (2) decorative elements such as, but not limited to, the following elements:
 - i. Windows: recessed window or decorative window
 - ii. Trim around windows
 - iii. Two or more building materials
 - iv. Decorative brick/stone
 - v. Decorative trim
 - vi. Decorative shake
 - vii. Decorative air vents on gable
 - viii. Decorative gable
 - ix. Column, balcony, or dormer
 - g. 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.
 - h. House entrances for units with front-facing single-car garages shall have a covered porch/stop area leading to the front door.
 - i. Front porches shall be a minimum of six feet deep.
 - j. All single family detached homes shall be pre-configured with conduit for solar energy system.
 - k. Homeowner Association covenants shall not restrict the construction of accessory apartment units.
12. Any cul-de-sac that is accessed from Southwinds Run shall not be subject to UDO Sec. 7.2.1.G.3.
13. The developer shall contribute \$250.00 per single-family lot to the Town of Apex Affordable Housing Fund. Contribution to be paid at time of plat.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 21CZ10

Submittal Date: 06/01/2021

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.	DONNELLY, TIMOTHY L DONNELLY, CYNTHIA O	0731149410
2.	BAKER, MYRTLE B HEIRS	0731149865
3.	BAKER, MARY LOU	0731159379
4.	BAKER, ISAAC D	0731159660
5.	CHEELY, GEORGE RAY CHEELY, JEAN S	0731232804
6.	IANNONE, JOSEPH V JR	0731244392
7.	BRANCH, INEZ EVANS BRANCH, JOSEPH DEWAYNE	0731252552
8.	MILLS, WILLIAM T HEIRS MILLS, DOROTHY	0731252648
9.	W TIMBERLAKE, BARBARA JO TRUSTEE TRUSTEE OF BARBARA JO W TIMBERLAKE FAMILY TRUST	0731254251
10.	BRANCH, JOSEPH DEWAYNE BRANCH, PAMELA JOHNSTON	0731254670
11.	VARGHESE, REENAMOL VARGHESE, BENNAN	0731255841
12.	GUAY, MARY H	0731257946
13.	SCHARDT, DANIEL SCHARDT, DENISE	0731259148
14.	MILLS, DOROTHY M MILLS, DAVID G TRUSTEE	0731260949
15.	SM RALEIGH, LLC	0731342211

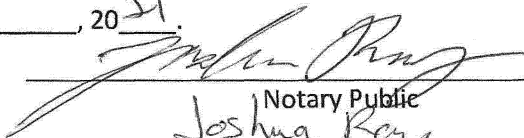
I, STEPHEN FREEMAN, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

Date: 3/31/2021

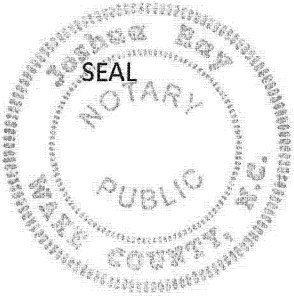
By: 

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Joshua Ray, a Notary Public for the above State and County, on this the 3rd day of March, 2021.


 Notary Public
Joshua Ray
 Print Name

My Commission Expires: 07-18-23



CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 21CZ10

Submittal Date: 06/01/2021

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.	WHITLEY MILLS LLC	0731346671
2.	SM RALEIGH LLC	0731347819
3.	BROCKELBA NK, DAVID A	0731351931
4.	LESTER, CHARLENE A LUEBKE, JUDITH M	0731352462
5.	SM RALEIGH LLC	0731353148
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

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

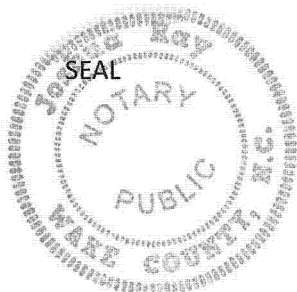
Date: 03/31/2021

By: *[Signature]*

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Joshua Ray, a Notary Public for the above State and County, on this the 31st day of March, 2021.

[Signature]
 Notary Public
Joshua Ray
 Print Name



My Commission Expires: 07-18-23

AGENT AUTHORIZATION FORM

Application #: 21CZ10 Submittal Date: 06/01/2021

DANIEL & DENISE SCHARDT 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: 2324 KELLY RD, APEX, NC 27502

The agent for this project is: AMH DEVELOPMENT, LLC

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


Agent Name: STEPHEN FREEMAN

Address: 2100 GATEWAY CENTRE BLVD # 120

Telephone Number: 919-582-6197


E-Mail Address: SFREEMAN@AH4R.COM

Signature(s) of Owner(s)*

 dotloop verified
04/01/21 8:15 AM EDT
V1KT-6HJR-W1WL-ZV42

Daniel Schardt 04/01/2021
Date

Type or print name

 dotloop verified
04/01/21 8:03 AM EDT

Denise Schardt 04/01/2021
Date

Type or print name

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 #: 21CZ10 Submittal Date: 06/01/2021

BARBARA JO W TIMBERLAKE, TRUSTEE OF BARBARA JO W TIMBERLAKE FAMILY 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: 2300 KELLY RD, APEX, NC 27502

The agent for this project is: AMH DEVELOPMENT, LLC

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

Agent Name: STEPHEN FREEMAN

Address: 2100 GATEWAY CENTRE BLVD # 120

Telephone Number: 919-582-6197

E-Mail Address: SFREEMAN@AH4R.COM

Signature(s) of Owner(s)*

Barbara Jo Wall Timberlake dotloop verified 04/01/21 8:02 AM EDT VPNT-HLZO-WPFG-PCJP

Barbara J. Timberlake, Trustee
Type or print name

04/01/2021
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.

AFFIDAVIT OF OWNERSHIP


Application #: 21CZ10

Submittal Date: 06/01/2021

The undersigned, STEPHEN FREEMAN, LAND ACQUISITION MANAGER FOR AMH DEVELOPMENT, LLC (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

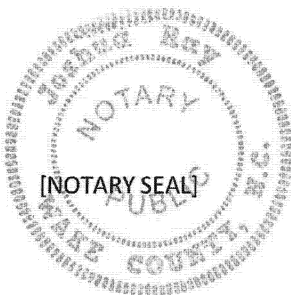
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2324 KELLY RD, APEX, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated N/A, 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 N/A, 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.

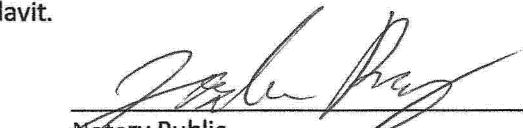
This the 31 day of March, 2021.

 (seal)
STEPHEN FREEMAN
 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 Stephen Freeman, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Passport, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.




 Notary Public
 State of North Carolina
 My Commission Expires: 07-18-23

AFFIDAVIT OF OWNERSHIP


Application #: 21CZ10

Submittal Date: 06/01/2021

The undersigned, STEPHEN FREEMAN, LAND ACQUISITION MANAGER FOR AMH DEVELOPMENT, LLC (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

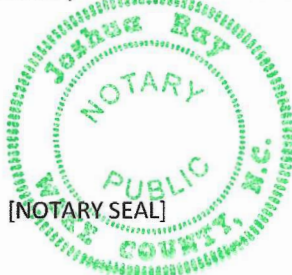
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2300 KELLY RD, APEX, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated N/A, 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 N/A, 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.

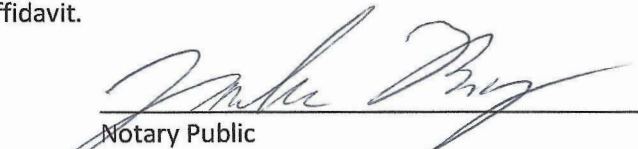
This the 31 day of March, 2021.

 (seal)
STEPHEN FREEMAN
 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 Stephen Freeman, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Passport, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.




 Notary Public
 State of North Carolina
 My Commission Expires: 07-10-23

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #:

21CZ10

Submission Date: 06/01/2021

Insert legal description below.

PARCEL 1 RECORD DESCRIPTION:

THE LAND REFERRED TO IN CHICAGO TITLE INSURANCE COMPANY COMMITMENT 21-00926CH IS DESCRIBED AS FOLLOWS:

BEGINNING at a nail in the center line of S. R. #1163, sometimes known as Kelly Road, at its intersection with S. R. #1187 (Formerly S.R. #1149), runs thence South 16 deg. 14 min. 54 sec. East along the center line of said S. R. #1163, 96.19 feet to a R.R. Spike in the center line of said road; thence South 17 deg. 19 min. 45 sec. East 243.07 feet to a p.k. nail; thence with the line of Poe North 83 deg. 30 min. 41 sec. West 414.99 feet to an iron bar and South 2 deg. 24 min. 43 sec. West 713.49 feet to an iron bar in Charles Tunstall's line; thence with said Tunstall, North 87 deg. 16 min. 52 sec. West, 559.39 feet to an iron bar; thence North 03 deg. 51 min. 27 sec. East with said Thomas Baker's line 599.25 feet to a bolt in the center line of S.R. #1187; thence with the centerline of S.R. #1187, North 66 deg. 45 min. East 604.02 feet to a stake; thence North 67 deg. 16 min. 34 sec. East 332.40 feet to the BEGINNING, containing 11.239 acres (net 10.381 outside rights of way) and being shown on a survey entitled "Property of David Roland Timberlake & wife, Barbara Jo Timberlake", prepared by Smith & Smith Surveyors, Apex, N.C., dated January 10, 1992.

PARCEL 2 RECORD DESCRIPTION:

THE LAND REFERRED TO IN CHICAGO TITLE INSURANCE COMPANY COMMITMENT 21-00925CH IS DESCRIBED AS FOLLOWS:

BEGINNING at an existing flat iron, the Northeast corner for, now or formerly Charles F. Tunstall; runs thence North 85 degrees 26 minutes 56 seconds West 641.76 feet to an existing iron stake; thence North 03 degrees 30 minutes 00 seconds East 713.19 feet to an existing flat iron; thence South 82 degrees 54 minutes 12 seconds East 380.96 feet to an existing iron pipe (bent), the stake being located in the Western right of way of State Road 1163; thence with the Western right of way of State of State Road 1163 the following courses and distances: South 16 degrees 20 minutes 40 seconds East 351.00 feet; South 17 degrees 07 minutes 35 seconds East 160.00 feet; South 17 degrees 44 minutes 12 seconds East 237.21 feet to the place and point of BEGINNING, containing 8.20 acres as per survey by M. M. Weeks, R.L.S., dated January 30, 1990.

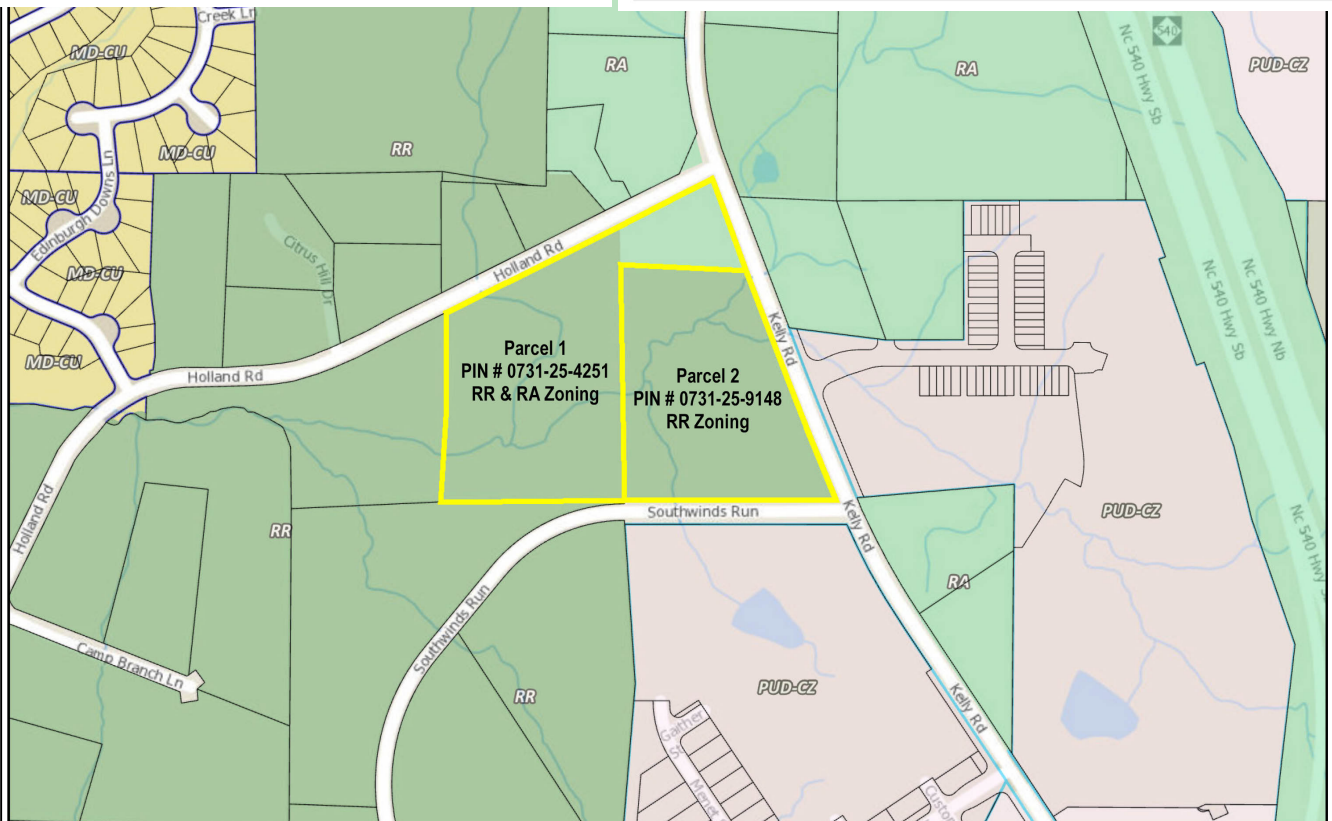
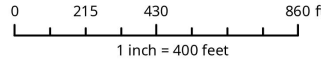


Exhibit A - Vicinity & Existing Zoning Map



Disclaimer
 IMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

Wake County Residential Development Notification

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

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

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

Developer Company Information	
Company Name	
Company Phone Number	
Developer Representative Name	
Developer Representative Phone Number	
Developer Representative Email	

New Residential Subdivision Information	
Date of Application for Subdivision	
City, Town or Wake County Jurisdiction	
Name of Subdivision	
Address of Subdivision (if unknown enter nearest cross streets)	
REID(s)	
PIN(s)	

Projected Dates Information	
Subdivision Completion Date	
Subdivision Projected First Occupancy Date	

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates				
									Min	Max	Low	High	Year	# Units	Year	# Units	Year
Single Family						9	18	18									
Townhomes																	
Condos																	
Apartments																	
Other																	

NOTICE OF ELECTRONIC 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.

03/30/2021

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at 2300 Kelly Rd, 2324 Kelly Rd & 2508 Southwinds Run, Apex 0731-25-4251, 0731-25-9148, 0731-14-9410

Address(es)

PIN(s)

in accordance with the Town of Apex Electronic Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, you may contact the applicant before or after the meeting is held. 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. If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

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

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

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

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

Development of maximum 50 single family detached lots & associated infrastructure

MEETING LINK REQUEST EMAIL DIANE BELOTTI: DBELOTTI@ESPASSOCIATES.COM

https://teams.microsoft.com/j/19%3ameeting_NzKxMDFhZTlNDiIMy00OWU3LTk5ZjAtZmRjMTFjNTY0NjU1%40thread.v2/0?context=%7b%22id%22%3a%227f3568d-363f-4e58-a4d8-1c07f43b09fb%22%2c%220id%22%3a%227a52cbb6-3f3f-44dc-838c-232efb74db95%22%7d

Estimated submittal date: 06/01/2021

MEETING INFORMATION:

Property Owner(s) name(s):	Barbara Jo W Timberlake, Daniel & Denise Schardt, Timothy L & Cynthia O Donnelly	
Applicant(s):	AMH Development, LLC	
Contact information (email/phone):	sfreeman@ah4r.com	404-895-8035
Electronic Meeting invitation/call in info:	+1 843-779-7114,,11611301# United States, Charleston Phone Conference ID: 116 113 01# See description above for email to request a Teams Meeting link	
Date of meeting**:	Tuesday, 03/30/2021	
Time of meeting**:	6:00 PM - 8:00 PM	

MEETING AGENDA TIMES:

Welcome: 5 minutes Project Presentation: 30 minutes Question & Answer: as needed

**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: Kelly Woods Zoning: Exsting: RA/RR Proposed: MD-CZ
 Location: 2300 Kelly Rd, 2324 Kelly Rd & 2508 Southwinds Run, Apex, NC 27502
 Property PIN(s): 0731-25-4251, 0731-25-9148, 0731-14-9410 Acreage/Square Feet: +/- 19.86 Ac

Property Owner: Barbara Jo W Timberlake, Trustee of Barbara Jo W Timberlake Family Trust
 Address: 2300 Kelly Rd
 City: Apex State: NC Zip: 27502
 Phone: 919-362-0126 Email: bjtlake@att.net

Developer: AMH Development, LLC
 Address: 2100 Gateway Centre Blvd, Suite 120
 City: Morrisville State: NC Zip: 27560
 Phone: 919-582-6197 Fax: n/a Email: sfreeman@ah4r.com

Engineer: ESP Associates, Inc.
 Address: 2200 Gateway Centre Blvd, Suite 216
 City: Morrisville State: NC Zip: 27560
 Phone: 919-678-1070 Fax: 919-677-1252 Email: erothrocks@espassociates.com

Builder (if known): n/a
 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 Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineer (Water & Sewer)	(919) 249-3537 (919) 249-1166 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

PROJECT CONTACT INFORMATION

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 Property PIN(s): 0731-25-4251, 0731-25-9148, 0731-14-9410 Acreage/Square Feet: +/- 19.86 Ac

Property Owner: Daniel & Denise Schardt
 Address: 2324 Kelly Rd
 City: Apex State: NC Zip: 27502
 Phone: 919-244-5343 / 919-244-0649 Email: bowtieguy1963@yahoo.com

Developer: AMH Development, LLC
 Address: 2100 Gateway Centre Blvd, Suite 120
 City: Morrisville State: NC Zip: 27560
 Phone: 919-582-6197 Fax: n/a Email: sfreeman@ah4r.com

Engineer: ESP Associates, Inc.
 Address: 2200 Gateway Centre Blvd, Suite 216
 City: Morrisville State: NC Zip: 27560
 Phone: 919-678-1070 Fax: 919-677-1252 Email: erothrocks@espassociates.com

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

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Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineer (Water & Sewer)	(919) 249-3537 (919) 249-1166 (919) 249-3324
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 Property PIN(s): 0731-25-4251, 0731-25-9148, 0731-14-9410 Acreage/Square Feet: +/- 19.86 Ac

Property Owner: Timothy L & Cynthia O Donnelly
 Address: 2508 Southwinds Run
 City: Apex State: NC Zip: 27502
 Phone: 919-625-2912 Email: apextimothy@gmail.com

Developer: AMH Development, LLC
 Address: 2100 Gateway Centre Blvd, Suite 120
 City: Morrisville State: NC Zip: 27560
 Phone: 919-582-6197 Fax: n/a Email: sfreeman@ah4r.com

Engineer: ESP Associates, Inc.
 Address: 2200 Gateway Centre Blvd, Suite 216
 City: Morrisville State: NC Zip: 27560
 Phone: 919-678-1070 Fax: 919-677-1252 Email: erothrocks@espassociates.com

Builder (if known): n/a
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 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.

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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 Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineer (Water & Sewer)	(919) 249-3537 (919) 249-1166 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE 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 Format: Teams Meeting
 Date of meeting: Tuesday, 03/30/2021 Time of meeting: 6:00 pm - 8:00 pm
 Property Owner(s) name(s): Barbara Jo W Timberlake, Daniel & Denise Schardt, Timothy L & Cynthia O Donnelly
 Applicant(s): AMH Development , LLC

Please list Electronic Neighborhood Meeting Attendees who provided their name and/or contact information either during the meeting or via phone/email before or after the meeting.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Adam Ashbaugh/ESP Associates, Inc	2200 Gateway Centre Blvd, Ste 216 Morrisville, NC 27560			
2.	Emily Rothrock/ESP Associates, Inc	2200 Gateway Centre Blvd, Ste 216 Morrisville, NC 27560			
3.	Stephen Freeman/AMH Development	2100 Gateway Centre Blvd, Ste 120 Morrisville, NC 27560			
4.	Denise Schardt	2324 Kelly Rd, Apex NC 27502			
5.	Danny Schardt	2324 Kelly Rd, Apex NC 27502			
6.	Barbara Timberlake	2300 Kelly Rd, Apex NC 27502			
7.	Brenda Bubbelman/Coldwell Banker HPW				
8.	Vanessa Nelson				
9.	JW Shearin/Coldwell Banker HPW				
10.	Tim Donnelly	2508 Southwinds Run, Apex NC 27502			
11.	Judith Luebke	2305 Kelly Rd, Apex NC 27502			
12.	Jeanne Hiesel	2309 Kelly Rd, Apex NC 27502			
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE ELECTRONIC 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): Barbara Jo W Timberlake, Daniel & Denise Schardt, Timothy L & Cynthia O Donnelly

Applicant(s): AMH Development, LLC

Contact information (email/phone): 919-582-6197 sfreeman@ah4r.com

Meeting Format: Teams Meeting

Date of meeting: Tuesday, 03/30/2021 Time of meeting: 6:00 pm - 8:00 pm

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

Question/Concern #1: See attached Neighborhood Meeting Report for summary of issues discussed

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:



KELLY WOODS

Neighborhood Meeting Report

March 30, 2021

Microsoft Teams Virtual Meeting
6:00-8:00 PM



Table of Contents

- Summary of Issues Discussed
- Meeting Presentation Appendix A
- Invitation Notice to Neighbors Appendix B

Kelly Woods Neighborhood Meeting Summary

Development Team:

AMH Development - Morrisville: Stephen Freeman, Manager, Land Acquisitions

ESP Associates: Adam Ashbaugh, Civil Engineer, Planner
Emily Rothrock, Landscape Architect

The meeting began at 6:00pm with Adam Ashbaugh with a welcome and introduction to Emily Rothrock.

Emily, introduced the project and gave an overview of the project scope and location. The floor was then opened for questions. Stephen provided an introduction to AMH Development, the products they provide and a brief overview of their company and himself. There were approximately nine attendees. Questions were asked by two attendees.

The majority of the questions involved the following topics. (Black Text)

- Entrance Locations/Traffic Flow
- Sewer and Water Capacity/Waterline Extension
- Privacy Fence Buffer

Both Mr. Freeman and the planners responded to the neighbors' questions. Most of the attendees live in the subdivisions directly adjacent to the parcel across Kelly Rd or were parcel owners or Brokers.

A general summary of the public comments and issues raised, together with Development Team responses are as follows:

1. Entrance Locations/Traffic:

- **Concern expressed over entrance location and increased traffic on Kelly Rd and homeowner's property.**

It was acknowledged that preliminary design will call for entrances to be on Holland Rd and Southwinds Run. Final determinations will come from NCDOT and Town of Apex. The final Subdivision Plan will provide adequate dedication of right-of-way along project frontages abutting Holland Rd. and Kelly Rd. to accommodate future right-of-way widths and road improvements outlined in the Town of Apex Thoroughfare and Collector Street Plan.

2. Sewer and Water Capacity:

- **Will the proposed development strain water and sewer capacity?**

Potable water will be provided to the property via Town of Apex public water. Gravity sewer service to the proposed development will connect to the existing Town of Apex sewer main traversing the property. No anticipated impact to wells or aquifer system is expected.

- **Consideration for a waterline extension was requested. It was suggested perhaps tying into the new waterline adjacent to the 2509 Southwinds Run and West Village boundary, servicing the proposed project and alternatively extend the equivalent extension requirement within Westwinds or similar cost contribution for future water improvements.**

The Applicant is willing to consider working with Westwinds HOA and Town on waterline requirements and/or improvements.

- **Is there a plan to hide the sewer manhole/cap that is visible on the front of the Schardt property, 2324 Kelly Rd, along Kelly Rd frontage?**

This is a Town of Apex sewer line. No improvements to the sewer infrastructure are planned at this time but this will be coordinated with the Town as plans develop.

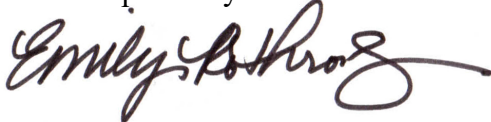
3. **Privacy/Fence Buffer**

- **Is there a plan for keeping a 6' privacy fence along Southwinds Run?**

The existing privacy fence will be considered in further plan development and the applicant is willing to explore keeping, repairing, and or adding to the fence as part of any required screening/buffering.

Question and Answer session adjourned and all participants logged off by 6:45pm. Organizers stayed logged on for the duration of the meeting.

Respectively submitted.



Emily Rothrock, PLA
ESP Associates, Inc.

Copy: File
Client
Town of Apex

Appendix A: Neighborhood Meeting Presentation

Kelly Woods

NEIGHBORHOOD MEETING PRESENTATION

03/30/2021

6:00pm to 8:00pm

 **ESP AMH Development**

Rezoning Process

- 1. Pre – Application Meeting** (completed 03/04/2021)
- 2. Neighborhood Meeting** (current 03/30/2021)
3. Rezoning Petition Application and Schedule
4. 2025 Land Use Plan
5. Review for Sufficiency
6. Public Hearing Notification
7. Planning Board Meeting
8. Town Council Meeting

Aerial View



Vicinity & Existing Zoning Map

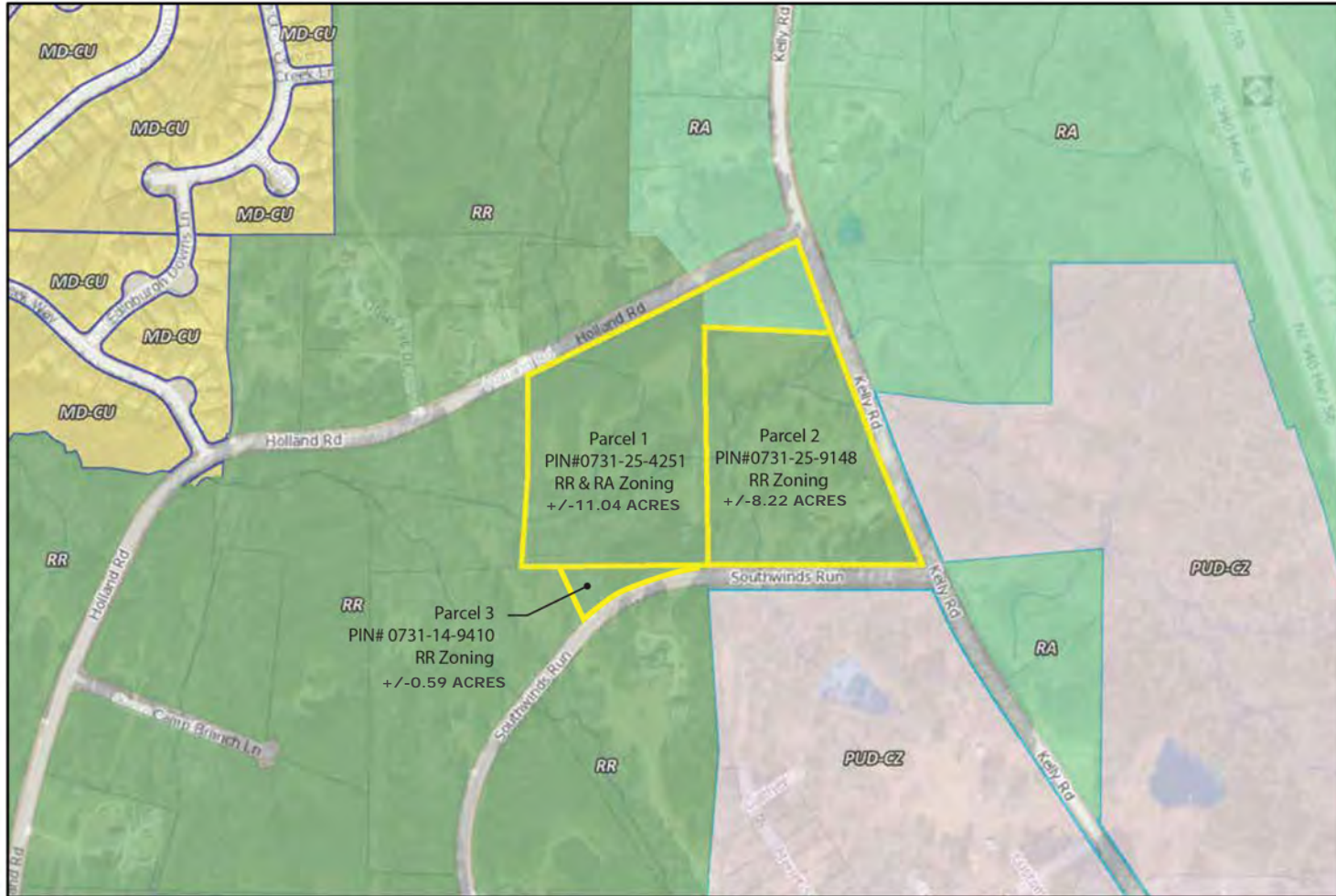
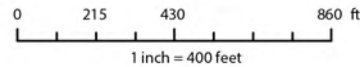


Exhibit A - Vicinity & Existing Zoning Map



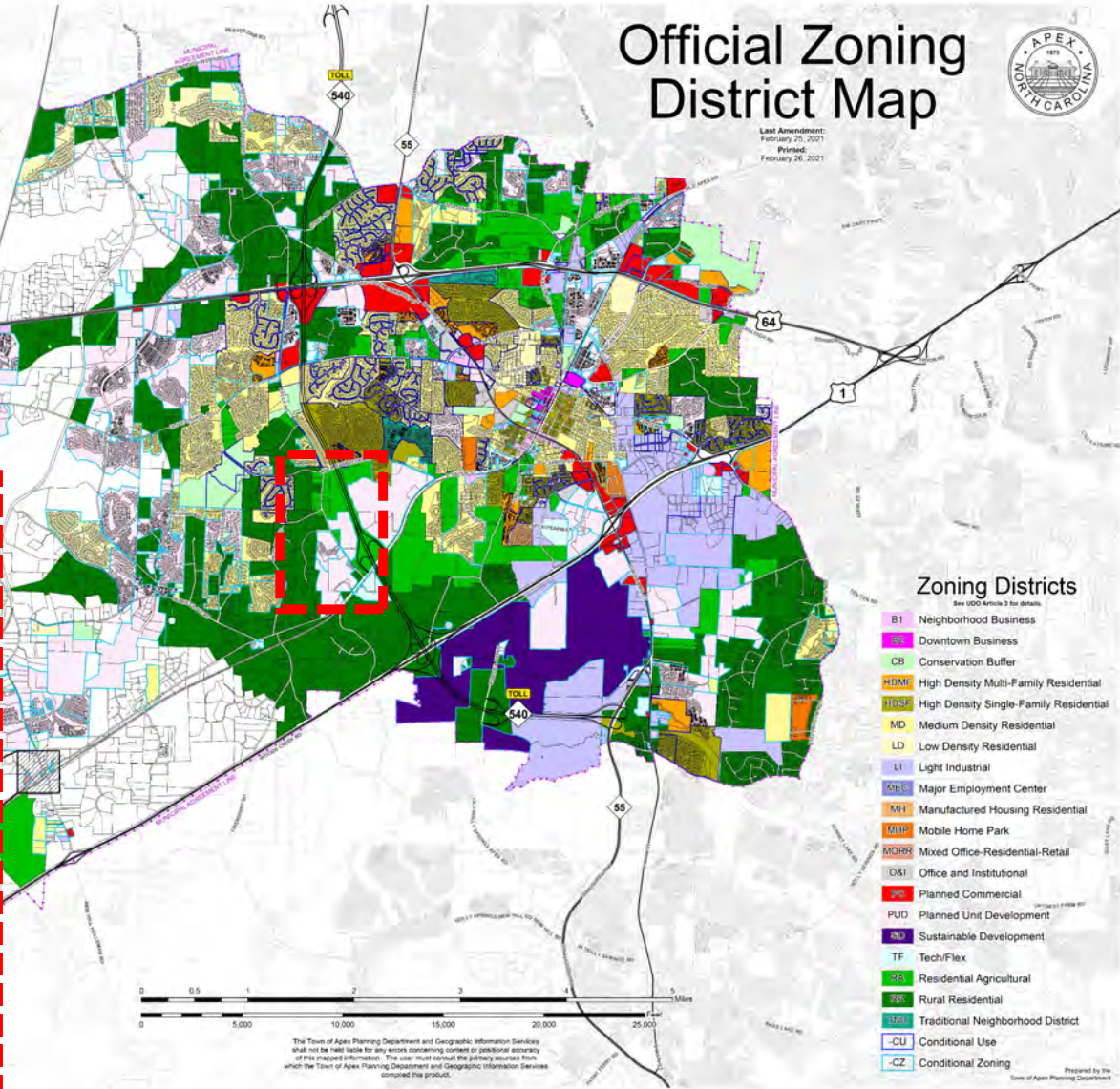
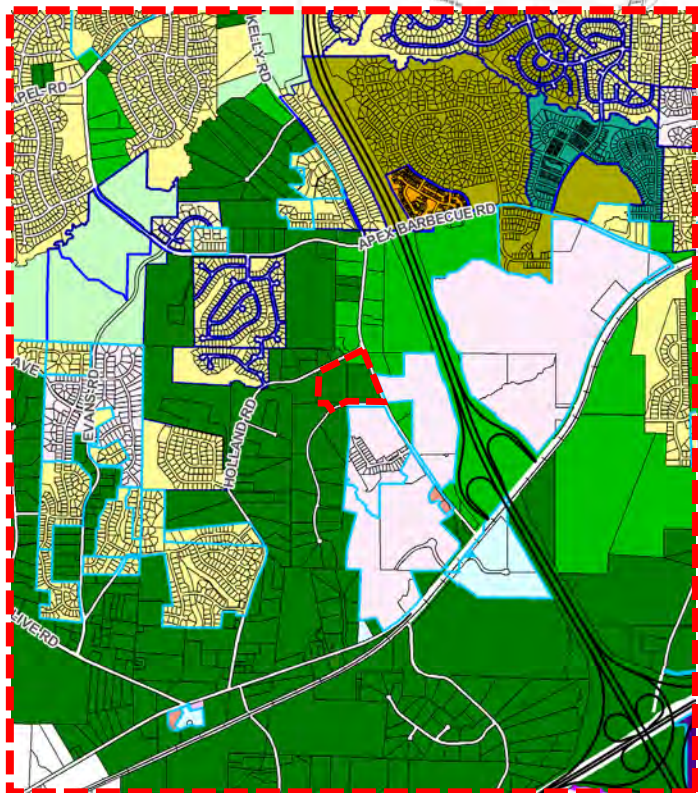
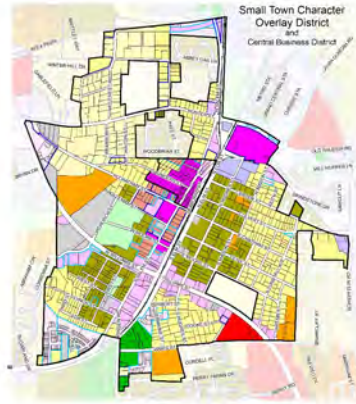
Disclaimer:
 iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

Apex Zoning Map

Official Zoning District Map



Last Amendment:
February 25, 2021
Printed:
February 26, 2021



Zoning Districts

See UDD Article 3 for details

- B1 Neighborhood Business
- B2 Downtown Business
- CB Conservation Buffer
- HDM High Density Multi-Family Residential
- HDSF High Density Single-Family Residential
- MD Medium Density Residential
- LD Low Density Residential
- LI Light Industrial
- MBE Major Employment Center
- MH Manufactured Housing Residential
- MHP Mobile Home Park
- MORR Mixed Office-Residential-Retail
- O&I Office and Institutional
- PC Planned Commercial
- PUD Planned Unit Development
- SD Sustainable Development
- TF Tech/Flex
- RA Residential Agricultural
- RR Rural Residential
- TRD Traditional Residential District
- CU Conditional Use
- CZ Conditional Zoning

The Town of Apex Planning Department and Geographic Information Services shall not be held liable for any errors concerning content or positional accuracy of the mapped information. The user must obtain the primary insurance from which the Town of Apex Planning Department and Geographic Information Services compiled this product.

Apex Zoning Map

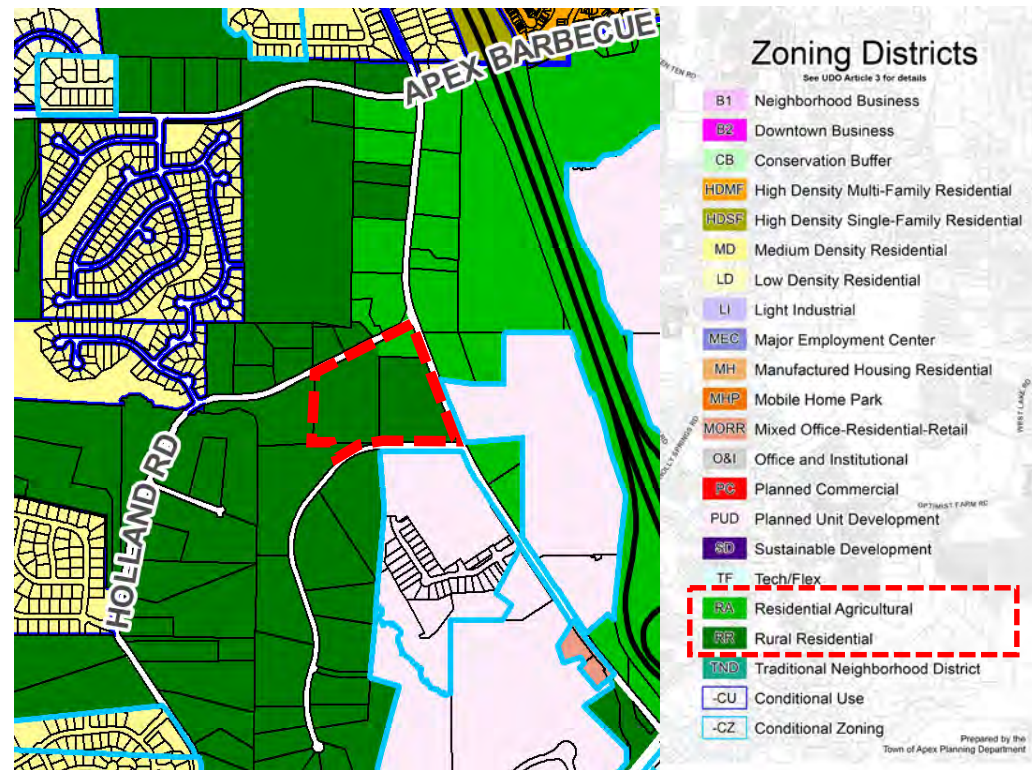
Existing Zoning

Residential Agricultural (RA)

- The purpose and intent of the RA Residential Agricultural District is to protect and enhance an agricultural and rural lifestyle by providing lands that allow for agricultural uses, and very low density rural and residential development.
- Single family homes in the Residential Agricultural (RA) District shall have an average lot size of 5 acres or greater per residential development.

Rural Residential (RR)

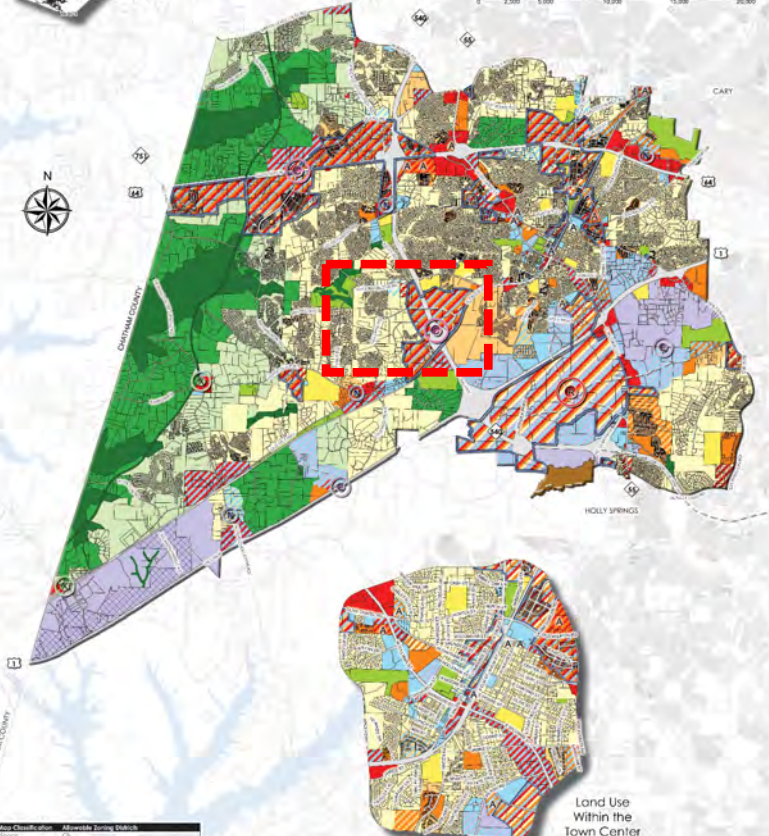
- The purpose and intent of the RR Rural Residential District is to provide for lower density rural and residential development while accommodating smaller lot sizes than the RA Residential Agricultural District.
- Single family homes in the Rural Residential (RR) District shall have an average lot size of 1 acre or greater per residential development.



Consistency with Comprehensive Plan

2045 Land Use Map Town of Apex, North Carolina

Revised March 14, 2023



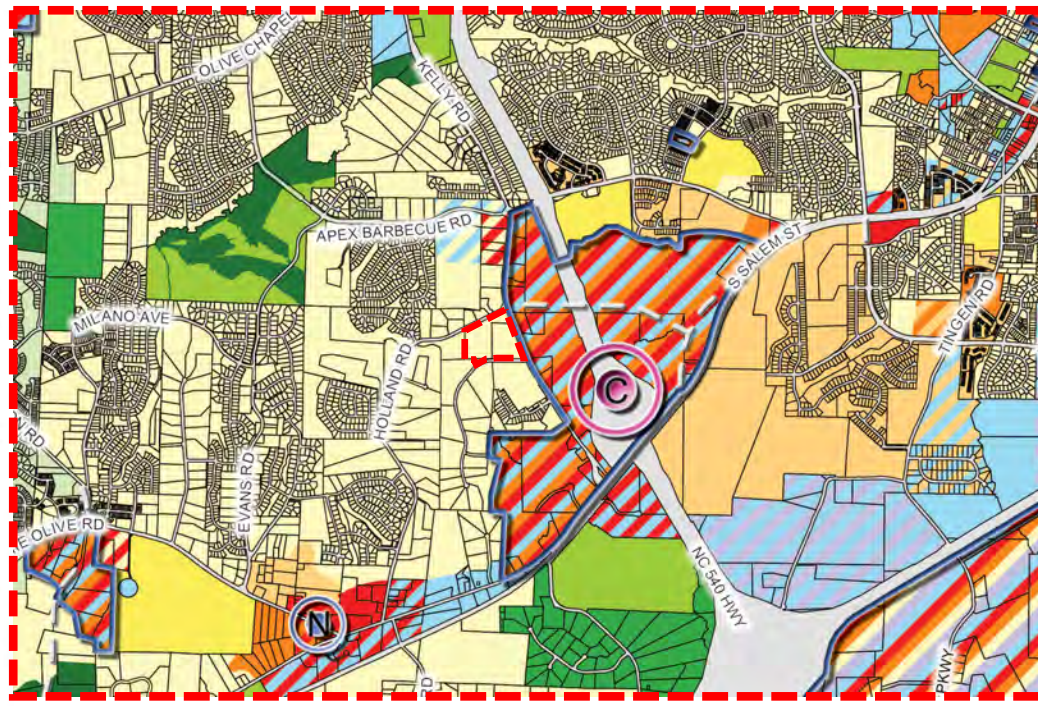
Land Use Within the Town Center

2045 Land Use Classification	Allowable Zoning Districts
Protected Open Space	OS, OS-1, OS-2
Rural Density Residential	RD, RD-1, RD-2
Low Density Residential	LD, LD-1, LD-2
Medium Density Residential	MD, MD-1, MD-2, MD-3, MD-4, MD-5, MD-6
Medium/High Density Residential	MHD, MHD-1, MHD-2, MHD-3, MHD-4, MHD-5, MHD-6
High Density Residential	HD, HD-1, HD-2, HD-3, HD-4, HD-5, HD-6
Office Employment	OE, OE-1, OE-2, OE-3, OE-4, OE-5, OE-6
Commercial Services	CS, CS-1, CS-2, CS-3, CS-4, CS-5, CS-6
Industrial Employment	IE, IE-1, IE-2, IE-3, IE-4, IE-5, IE-6
Park—Public or Private	P, P-1, P-2, P-3, P-4, P-5, P-6
School	S, S-1, S-2, S-3, S-4, S-5, S-6
Sanitary Landfill	SL, SL-1, SL-2, SL-3, SL-4, SL-5, SL-6
Right-of-Way	R, R-1, R-2, R-3, R-4, R-5, R-6
Mixed Use	M, M-1, M-2, M-3, M-4, M-5, M-6
Property Lines	PL, PL-1, PL-2, PL-3, PL-4, PL-5, PL-6
Duke Energy Land	DEL, DEL-1, DEL-2, DEL-3, DEL-4, DEL-5, DEL-6
Proposed Thoroughfares	PT, PT-1, PT-2, PT-3, PT-4, PT-5, PT-6

- Future Land Classifications**
- Protected Open Space
 - Rural Density Residential
 - Low Density Residential
 - Medium Density Residential
 - Medium/High Density Residential
 - High Density Residential
 - Office Employment
 - Commercial Services
 - Industrial Employment

- Park—Public or Private
- School
- Sanitary Landfill
- Right-of-Way
- Mixed Use
- Property Lines
- Duke Energy Land
- Proposed Thoroughfares

- Potential Activity Centers**
- Neighborhood Mixed Use (NMU)
 - Employment Mixed Use (EMU)
 - Community Mixed Use (CMU)
 - Regional Mixed Use (RMU)
 - Recreational Mixed Use (XMU)



Future Land Classifications

- Protected Open Space
- Rural Density Residential
- Low Density Residential
- Medium Density Residential
- Medium/High Density Residential
- High Density Residential
- Office Employment
- Commercial Services
- Industrial Employment
- Park—Public or Private
- School
- Sanitary Landfill
- Right-of-Way
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- Duke Energy Land
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Potential Activity Centers

- Neighborhood Mixed Use (NMU)
- Employment Mixed Use (EMU)
- Community Mixed Use (CMU)
- Regional Mixed Use (RMU)
- Recreational Mixed Use (XMU)



Consistency with Comprehensive Plan

Comprehensive Plan Future Zoning

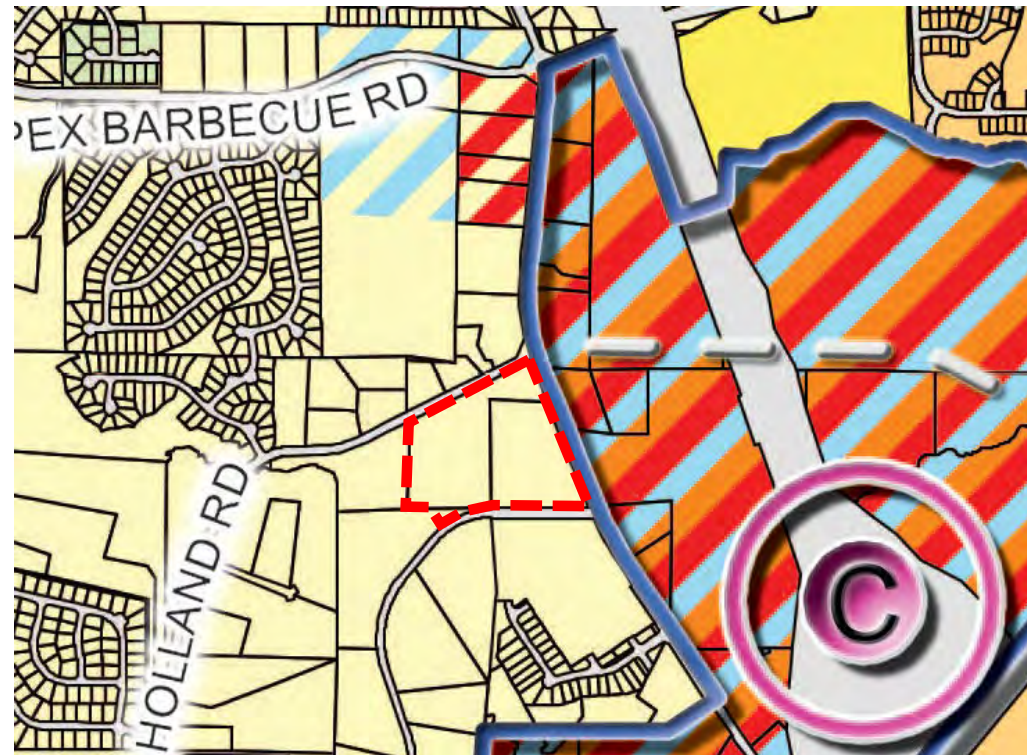
Medium Density Residential

(Single Family Homes – duplexes, and Townhomes)

- Medium Density Residential primary uses include both single-family homes and townhomes up to 6 units per acre.
- Medium Density Residential provides a transition from the more urbanized areas of Apex to the Low Density neighborhoods in the western part of the study area.

Proposed Use: Maximum 45 Single-Family detached residential lots

Proposed Density: Maximum 2.34 du/acre



Future Land Classifications



Potential Activity Centers



Recommended Conditions from Environmental Advisory Board

1. Preserve tree canopy within all buffers and perimeter boundaries with the exception of pedestrian amenities and town utilities, and as appropriate with required construction.
2. Deciduous shade trees will be located on the south side of structures where practical.
3. Planting on site will include native selections and habitat supportive species specific to pollinators.
4. Planting will focus on selections with seasonal succession to support native wildlife.
5. Areas outside of new construction will be preserved as practical with the intent to maintain native habitat/systems.
6. Plants selected will limit required irrigation including but not limited to warm season turf grass where appropriate.
7. Trees used on site will be selected to specifically increase the native species diversity of hardwood trees.
8. Installation of signage near environmentally sensitive areas to address pet waste and chemical use as appropriate.
9. Use LID techniques based on NC DEQ standards techniques where attainable based on soil conditions.
10. Add pet waste stations along pedestrian walkway at both access points at minimum.
11. Outdoor lighting shall be shielded in a way that focuses lighting to the ground.



AMH DEVELOPMENT



December 1, 2020



AMH Development:

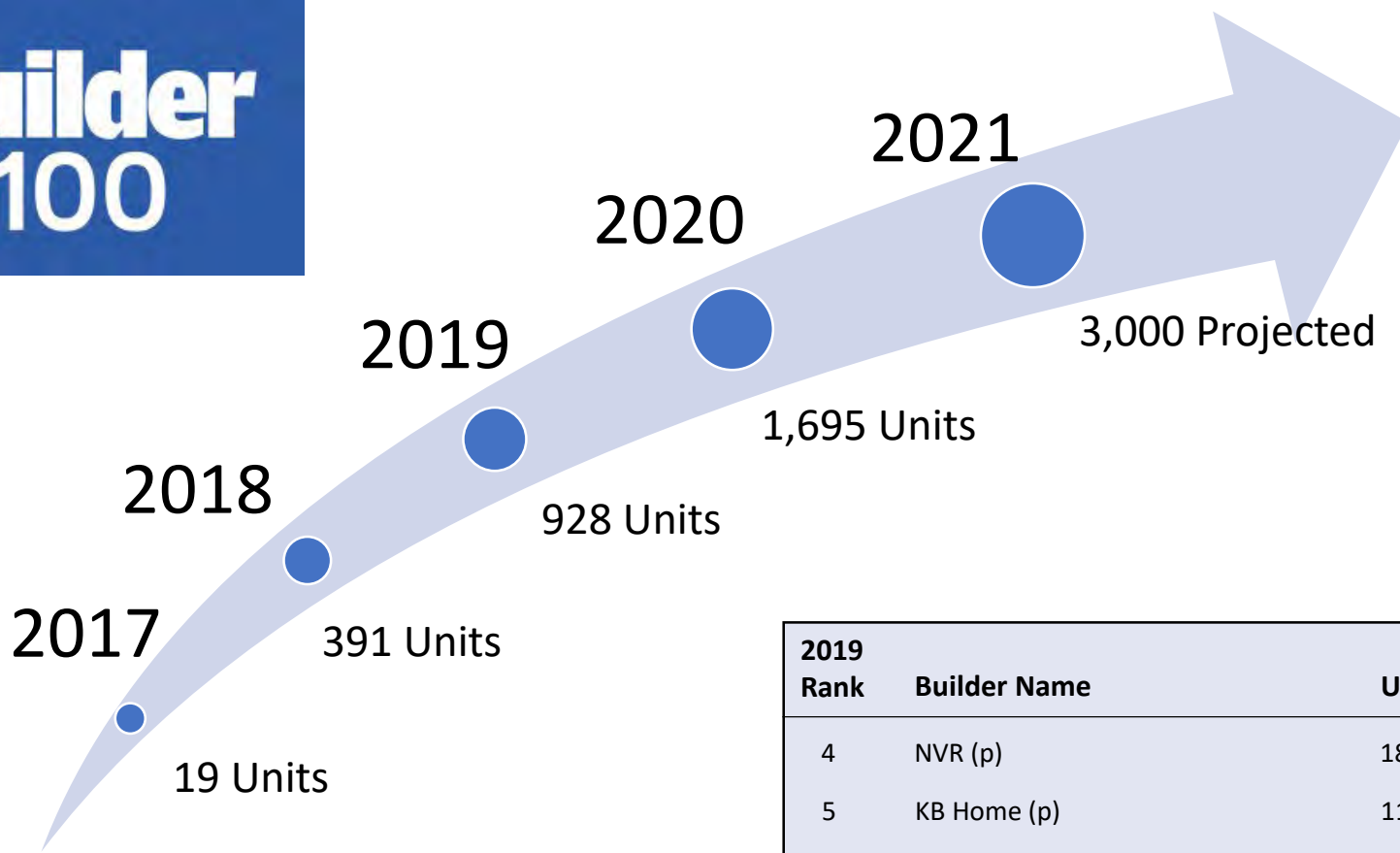
- Wholly owned subsidiary of American Homes 4 Rent.
- Largest builder of single-family rental homes in the U.S.
- Founded in order to grow the AH4R portfolio from 52,000 to over 200,000 homes.
- Building in over 60 subdivisions in 15 cities across the U.S. and will add an additional 4 cities in 2021.
- Top 40 home builder by volume in 2020.
- Expected top 25 home builder by the end of 2021.
- Expected to deliver 300 to 500 homes annually in each market where we currently build.
- AMH Development plans on adding an additional 1000 homes under construction per year after 2021.



AMH DEVELOPMENT – BUILDER 100 Ranking



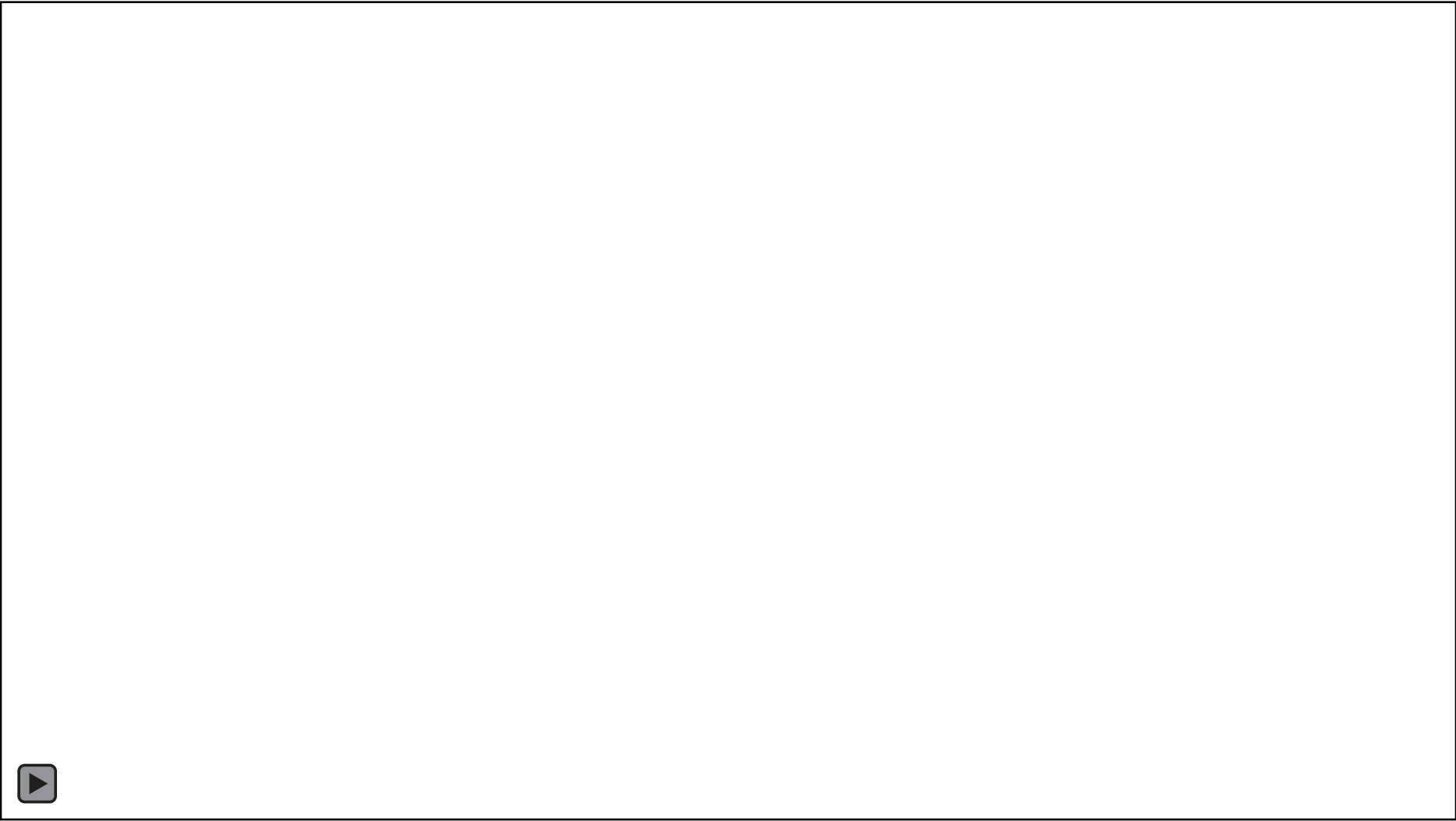
Builder 100



Transitioning from explosive growth to a sustainable growth model (25-30% YOY target)

Competing directly with Top 20 Builders in land acquisition

2019 Rank	Builder Name	Units
4	NVR (p)	18,447
5	KB Home (p)	11,317
16	David Weekley Homes	4,687
22	Mattamy Homes	3,313
29	Drees Homes	1,971
36	Dream Finders Homes	1,408



Sample Prototype Elevations – 3 Bedroom Homes



Sample Prototype Elevations – 4 Bedroom Homes



Sample Prototype Elevations – 5 Bedroom Homes



Rezoning Process - Next Steps

1. Pre – Application Meeting (completed 03/04/2021)
2. Neighborhood Meeting (completed 03/30/2021)
3. Rezoning Petition Application and Schedule
4. 2025 Land Use Plan (Not Required)
5. Review for Sufficiency
6. Public Hearing Notification
7. Planning Board Meeting
8. Town Council Meeting

Questions?

Appendix B: Invitation Notice to Neighbors

NOTICE OF ELECTRONIC 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.

03/30/2021

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at 2300 Kelly Rd, 2324 Kelly Rd & 2508 Southwinds Run, Apex 0731-25-4251, 0731-25-9148, 0731-14-9410

Address(es)

PIN(s)

in accordance with the Town of Apex Electronic Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, you may contact the applicant before or after the meeting is held. 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. If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

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

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

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

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

Development of maximum 50 single family detached lots & associated infrastructure

MEETING LINK REQUEST EMAIL DIANE BELOTTI: DBELOTTI@ESPASSOCIATES.COM

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NzkxMDFhZTRhNDIiMy00OWU3LTk5ZjAtZmRjMTFjNTY0NjU1%40thread.v2/0?context=%7b%22id%22%3a%22f7f3568d-363f-4e58-a4d8-1c07f43b09fb%22%2c%22oid%22%3a%227a52cbb6-3f3f-44dc-838c-232efb74db95%22%7d

Estimated submittal date: 04/01/2021

MEETING INFORMATION:

Property Owner(s) name(s):	Barbara Jo W Timberlake, Daniel & Denise Schardt, Timothy L & Cynthia O Donnelly	
Applicant(s):	AMH Development	
Contact information (email/phone):	sfreeman@ah4r.com	404-895-8035
Electronic Meeting invitation/call in info:	+1 843-779-7114,,11611301# United States, Charleston Phone Conference ID: 116 113 01# See description above for email to request a Teams Meeting link	
Date of meeting**:	Tuesday, 03/30/2021	
Time of meeting**:	6:00 PM - 8:00 PM	

MEETING AGENDA TIMES:

Welcome: 5 minutes Project Presentation: 30 minutes Question & Answer: as needed

**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: Kelly Woods Zoning: Exsting: RA/RR Proposed: MD
 Location: 2300 Kelly Rd, 2324 Kelly Rd & 2508 Southwinds Run, Apex, NC 27502
 Property PIN(s): 0731-25-4251, 0731-25-9148, 0731-14-9410 Acreage/Square Feet: +/- 19.86 Ac

Property Owner: Barbara Jo W Timberlake, Trustee of Barbara Jo W Timberlake Family Trust
 Address: 2300 Kelly Rd
 City: Apex State: NC Zip: 27502
 Phone: 919-362-0126 Email: bjtlake@att.net

Developer: AMH Development
 Address: 2100 Gateway Centre Blvd, Suite 120
 City: Morrisville State: NC Zip: 27560
 Phone: 919-582-6197 Fax: n/a Email: sfreeman@ah4r.com

Engineer: ESP Associates, Inc.
 Address: 2200 Gateway Centre Blvd, Suite 216
 City: Morrisville State: NC Zip: 27560
 Phone: 919-678-1070 Fax: 919-677-1252 Email: erothrock@espassociates.com

Builder (if known): n/a
 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 Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineer (Water & Sewer)	(919) 249-3537 (919) 249-1166 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

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Property Owner: Daniel & Denise Schardt
 Address: 2324 Kelly Rd
 City: Apex State: NC Zip: 27502
 Phone: 919-244-5343 / 919-244-0649 Email: bowtieguy1963@yahoo.com

Developer: AMH Development
 Address: 2100 Gateway Centre Blvd, Suite 120
 City: Morrisville State: NC Zip: 27560
 Phone: 919-582-6197 Fax: n/a Email: sfreeman@ah4r.com

Engineer: ESP Associates, Inc.
 Address: 2200 Gateway Centre Blvd, Suite 216
 City: Morrisville State: NC Zip: 27560
 Phone: 919-678-1070 Fax: 919-677-1252 Email: erothrook@espassociates.com

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

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Property Owner: Timothy L & Cynthia O Donnelly
 Address: 2508 Southwinds Run
 City: Apex State: NC Zip: 27502
 Phone: 919-625-2912 Email: apextimothy@gmail.com

Developer: AMH Development
 Address: 2100 Gateway Centre Blvd, Suite 120
 City: Morrisville State: NC Zip: 27560
 Phone: 919-582-6197 Fax: n/a Email: sfreeman@ah4r.com

Engineer: ESP Associates, Inc.
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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 Danny Smith	919-372-7470 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:	Jessica Bolin	919-249-3537
-------------------------------------	----------------------	---------------------

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.

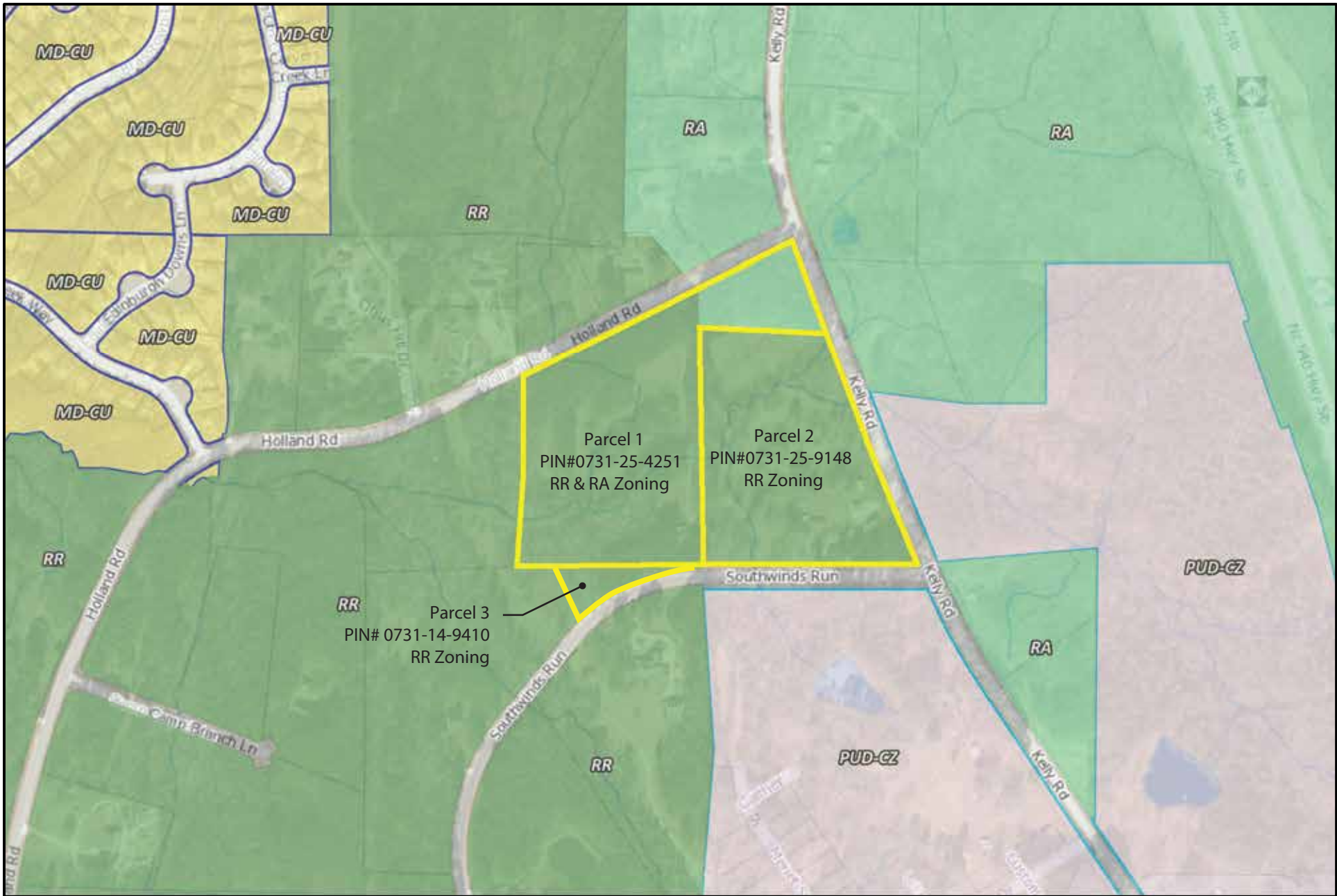
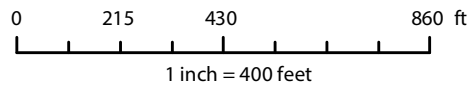


Exhibit A - Vicinity & Existing Zoning Map



Disclaimer

iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



ESP Associates, Inc.
2200 Gateway Centre Blvd., Suite 210
Morrisville, NC 27560
919.678.1070
www.espassociates.com

AFFIDAVIT OF CONDUCTING AN ELECTRONIC NEIGHBORHOOD MEETING 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, Stephen L. Freeman, do hereby declare as follows:
Print Name

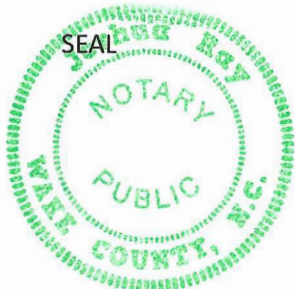
1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property 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 Electronic Neighborhood Meeting.
3. The meeting was conducted via Teams Meeting (indicate format of meeting) on 03/30/2021 (date) from 6:00 pm (start time) to 8:00 pm (end time).
4. I have included the mailing list, meeting invitation, attendance 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.

03/31/2021
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Ray, a Notary Public for the above State and County, on this the 31st day of March, 2021.



[Signature]
Notary Public
Joshua Ray
Print Name

My Commission Expires: 07-18-23

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ10 Kelly Woods

Planning Board Meeting Date: June 14, 2021



Report Requirements:

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

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

PROJECT DESCRIPTION:

Acreage: ± 19.424

PIN(s): 0731254251 & 0731259148

Current Zoning: Rural Residential (RR) & Residential Agricultural (RA)

Proposed Zoning: Medium Density Residential-Conditional Zoning (MD-CZ)

2045 Land Use Map: Medium Density Residential

Town Limits: ETJ

Applicable Officially Adopted Plans:

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

2045 Land Use Map
 Consistent Inconsistent Reason: _____

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ10 Kelly Woods

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Legislative Considerations:

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

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ10 Kelly Woods

Planning Board Meeting Date: June 14, 2021



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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ10 Kelly Woods

Planning Board Meeting Date: June 14, 2021



Planning Board Recommendation:

Motion: Approve with additional condition offered*

Introduced by Planning Board member: Steele

Seconded by Planning Board member: Skinner

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

Developer added a condition to make a \$250 per lot contribution to the Affordable Housing Fund.

*Note to Council: Planning Board expressed concerns about whether sub leasing is prohibited, need for additional screening along Southwinds Run, and addressing neighbors request for a financial contribution to help them connect to water in the future if desired.

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

With 7 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

Due to rental nature of proposed development and negative impacts on WCPSS it is not a community that is a right fit for this site.

This report reflects the recommendation of the Planning Board, this the 14 day of June 2021.

Attest:

Michael Marks

Digitally signed by Michael Marks
Date: 2021.06.15 20:35:06 -04'00'

Michael Marks, Planning Board Chair

Amanda Bunce

Digitally signed by Amanda Bunce
DN: cn=Amanda Bunce, o, ou,
email=amanda.bunce@apexnc.org, c=US
Date: 2021.06.14 18:28:29 -04'00'

for

Dianne Khin, Director of Planning and
Community Development



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ10 Kelly Woods

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

- Applicant/Authorized Agent:** Stephen Freeman, AMH Development, LLC
- Property Addresses:** 2300 & 2324 Kelly Road
- Acreage:** ±19.424 acres
- Property Identification Numbers (PINs):** 0731254251 & 0731259148
- 2045 Land Use Map Designation:** Medium Density Residential
- Existing Zoning of Properties:** Rural Residential (RR) and Residential Agricultural (RA)
- Proposed Zoning of Properties:** Medium Density Residential-Conditional Zoning (MD-CZ)
- Public Hearing Location:** Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

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

Planning Board Public Hearing Date and Time: June 14, 2021 4:30 PM

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

If you are unable to attend, you may provide comments no later than noon on Friday, June 11, 2021 by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397/>. You must provide your name and address for the record. These comments will be read during the Planning Board meeting.

Town Council Public Hearing Date and Time: June 22, 2021 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide comments no sooner than Friday, June 11, 2021 at noon but no later than noon on Monday, June 21, 2021 by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397/>. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

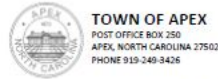
If the Council meeting is held with at least one member attending virtually, the vote on the subject of this public hearing will be delayed per State law to allow for comments to be submitted between publication of any required notice and 24 hours after the public hearing. Comments must be provided according to the means specified above. This item will then be scheduled for the next Town Council meeting. Please note that at this subsequent meeting, Town Council may choose to vote on the item, table the discussion to a later date, or take other action which would delay Council action to another time.

Vicinity Map:



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. Maps showing the location for the above site(s) to be considered can be inspected at the Apex Town Hall. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/35197>.

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



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ10
Kelly Woods**

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Published Dates: May 28 – June 22, 2021

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



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

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

Project Name: Conditional Zoning #21CZ10
 Kelly Woods
 Project Location: 2300 & 2324 Kelly Road
 Applicant or Authorized Agent: Stephen Freeman
 Firm: AMH Development, LLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on May 28, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

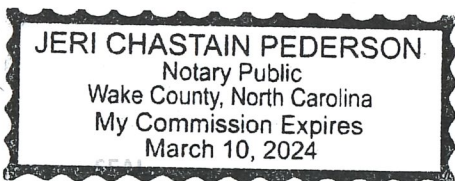
5-28-21
 Date

Armando Bance for Dianne Khin
 Director of Planning and Community Development

STATE OF NORTH CAROLINA
 COUNTY OF WAKE

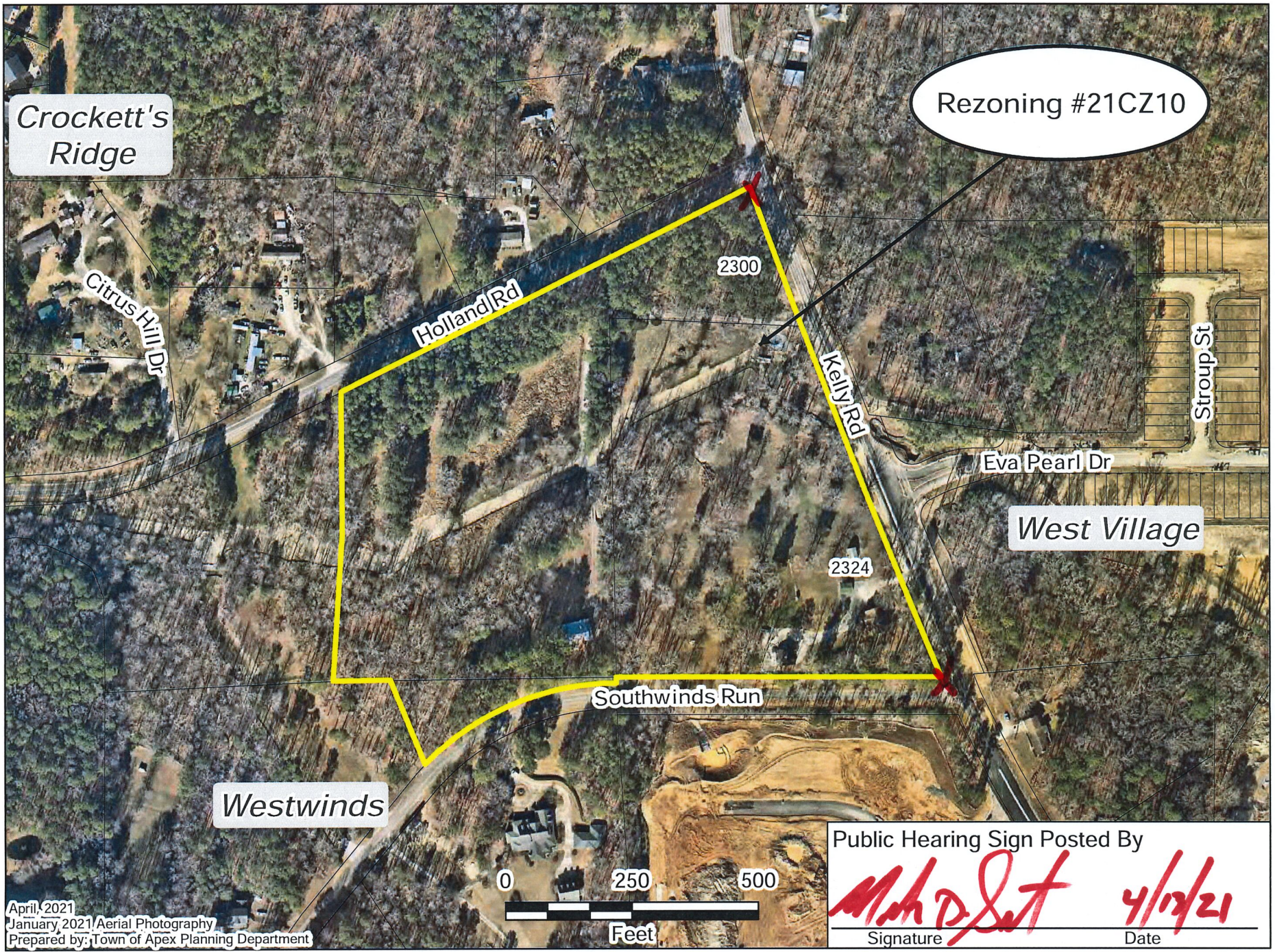
Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above

State and County, this the 28 day of May, 2021.



Jeri Chastain Pederson
 Notary Public

My Commission Expires: 03 / 10 / 2024



Crockett's Ridge

Rezoning #21CZ10

Citrus Hill Dr

Holland Rd

2300

Kelly Rd

Stroup St

Eva Pearl Dr

West Village

2324

Southwinds Run

Westwinds



Public Hearing Sign Posted By

Moh D. Sult
Signature

4/17/21
Date



Student Assignment
Glenn Carrozza
5625 Dillard Drive
Cary, NC 27518

tel: (919) 431-7333
fax: (919) 694-7753

May 20, 2021

Dianne Khin, AICP
Director, Department of Planning and Community Development
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: April 1, 2021
- Name of development: 21CZ10 Kelly Woods
- Address of rezoning/development: 2300 & 2324 Kelly Rd & 2508 Southwinds Run
- Total number of proposed residential units: 45
- Type(s) of residential units proposed: Single-family;

Based on the information received at the time of application, the Office of School Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

- Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.
- Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:

Elementary Middle High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

- Not applicable – existing school capacity is anticipated to be sufficient.
- School expansion or construction within the next five years is not anticipated to address concerns.
- School expansion or construction within the next five years may address concerns at these grade levels:

Elementary Middle High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,

Glenn Carrozza