

# STAFF REPORT

## Rezoning #21CZ31 Sears Property PUD

May 24, 2022 Town Council Meeting



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

### **BACKGROUND INFORMATION:**

**Location:** 0 & 2108 Old US 1 Highway  
**Applicant/Agent:** Beazer Homes, Matt Christensen/Peak Engineering & Design, PLLC, Jeff Roach P.E.  
**Owners:** Brian Sears, Belinda Camp, The Pleasant Plains Baptist Church of Apex, NC, Inc., & Apex Lodge No. 584, A.F. & A.M.

### **PROJECT DESCRIPTION:**

**Acreage:** ±26.218 acres  
**PINs:** 0731107868 & 0731107055  
**Current Zoning:** Rural Residential (RR)  
**Proposed Zoning:** Planned Unit Development-Conditional Zoning (PUD-CZ)  
**2045 Land Use Map:** Medium Density Residential and Office Employment  
**Town Limits:** ETJ

### **Adjacent Zoning & Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>North:</b>	Rural Residential (RR)	Single-family Residential
<b>South:</b>	Rural Residential (RR)	Old US 1 Hwy; Single-family Residential
<b>East:</b>	Rural Residential (RR)	Single-family Residential (Winding Creek Estates)
<b>West:</b>	Rural Residential (RR)	Single-family Residential

### **EXISTING CONDITIONS:**

The subject properties are situated on the north side of Old US 1, between Holland Road and Winding Creek Road. The property located at 0 Old US 1 Highway is vacant with existing vegetation and is bisected by a stream. The property located at 2108 Old US 1 Highway contains residential structures.

### **NEIGHBORHOOD MEETING:**

The applicant conducted a neighborhood meeting on November 29, 2021. The neighborhood meeting report is attached.

### **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 elementary, middle, and high schools within the current assignment area for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five years may address concerns at the Elementary and High grade level.



**2045 LAND USE MAP:**

The 2045 Land Use Map designates the subject properties as Medium Density Residential and Office Employment. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) includes a mix of residential uses and commercial uses and is consistent with those Land Use Map designations.

**PLANNED UNIT DEVELOPMENT PLAN:**

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

**Permitted Uses:**

The development will include office, retail and residential uses. The Rezoned Lands may be used for, and only for, the uses listed below. The permitted uses are subject to the limitation and regulations stated in the UDO and any additional limitation 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.

Residential Tract on PD Plan

- Townhouse
- Greenway
- Recreational facility, private
- Park, active
- Park, passive
- Utility, minor
- Accessory apartment

Non-Residential Tract on PD Plan

- Ambulatory Health-care Facility with Emergency Department
- Day care facility
- Government services
- Veterinary clinic or hospital
- Utility, minor
- Park, active
- Recreational facility, private
- Medical or dental laboratory
- Barber and beauty shop
- Floral shop
- Printing and copying services
- Real estate sales
- Tailor shop
- Microbrewery
- Microdistillery
- Drop-in or short-term day care
- Vocational school
- Botanical garden
- Greenway
- Park, passive
- Restaurant, drive-through
- Medical or dental office or clinic
- Office, business or professional
- Artisan studio
- Financial institution
- Health/fitness center or spa
- Pet services
- Youth or day camps
- Accessory apartment

**Proposed Design Controls:**

**Residential:**

- Maximum # of units:** 160 townhouse units
- Maximum Density:** 6.1 units per acre
- Maximum Building Height:** 36 feet, no more than 2 stories
- Maximum Built-Upon Area:** 65%



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**Minimum Lot Width:** 20 feet

**Non-Residential:**

**Maximum Square Feet:** 11,000 sf

**Maximum Building Height:** 60 feet

**Maximum Built-Upon Area:** 70%

**Setbacks**

Proposed PUD-CZ minimum setbacks		
Townhouse	Front	10'
	Front (garage)	20'
	Side	3' (end unit); 6' (aggregate)
	Side (corner)	6'
	Rear	10'
	Building to building	10'
	From Buffer/RCA	10' for buildings; 5' for parking areas
Non-Residential	Street	20'
	Rear	20'
	Side	20'
	From Buffer/RCA	10' for buildings; 5' for parking areas

**Proposed RCA & Buffers**

The proposed Sears Property PUD is located on the west side of the Highway 540 corridor with the requirement to provide a minimum of 30% of the area used for residential uses and a minimum of 25% of RCA for areas used for non-residential uses.

**Residential and Non-Residential Buffers:**

Perimeter Buffers:	UDO Required	Proposed
Northern Boundary	20' Type B	20' Type B
Southern Boundary (Old US 1 Highway)	30' Type B (Land Use Class 3) 30' Type E (Land Use Class 4,5,6)	30' Type E
Western Boundary	20' Type B	20' Type B*
Eastern Boundary	20' Type B	20' Type B*

\* Where adjacent to existing residences, and where existing vegetation is not already in place, a 20' Type A buffer shall be provided. In all other areas, a 20' Type B buffer shall be provided.

**ZONING CONDITIONS**

Additionally, the following conditions shall apply:

- A. A maximum of 160 residential units shall be permitted upon the property.
- B. A maximum of 11,000 square feet of non-residential uses shall be established on the property.
- C. No covenant shall be placed on the property which prohibits accessory apartment as a use.
- D. Outdoor storage shall not be permitted for non-residential uses.
- E. All townhouses and non-residential buildings shall provide solar conduit for the installation of rooftop



solar panels.

- F. Signage or informational brochures shall be provided by any homeowner's association regarding the need to reduce pet waste and eliminate fertilizer near SCMs. The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area to reduce pet waste and eliminate fertilizer near SCMs. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
- G. The project shall provide diverse and abundant pollinator sources and install pollinator-friendly flora within SCM Planting areas.
- H. The project shall include plantings within perimeter buffers and along streetscapes; the selected species shall be native species chosen from the Apex Design & Development Manual or approved by Planning staff.
- I. Deciduous shade trees shall be planted along southern sides of building elevations and the selected species shall be taken from the Apex Design & Development Manual or approved by Planning staff.
- J. Evergreen trees shall be planted along northern elevations of buildings and the selected species shall be taken from the Apex Design & Development Manual or approved by Planning staff.
- K. A minimum of three (3) native hardwood tree species shall be planted throughout the development.
- L. The project shall increase biodiversity within the amenity area and recreational areas within the development by: selecting and installing tree, shrub, and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall. Subject to Condition K above, no single species shall constitute more than 20% of the selected plants for each landscaping type (trees, shrubs and perennials.)
- M. The project shall include landscaping that requires less irrigation and chemical use by planting warm season grasses and drought tolerant species for drought-resistance within perimeter buffers, SCMs, and along streets.
- N. The exterior lighting for all non-residential buildings, parking lots, and amenity areas will consist of entirely of LED fixtures. The project shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lots and private amenity areas.
  - a. The project within the amenity area shall use full cutoff LED fixtures that have a maximum color temperature of 3000K for all exterior lighting located within parking lot, private amenity areas, and building mounted fixtures on non-residential buildings.
- O. A minimum of three (3) pet waste stations shall be installed within the development located around the SCMs, play lawns, and gathering areas.
- P. SCMs and their associated grading shall not be located within riparian stream buffers without the approval of a Town of Apex No Practical Alternatives (NPA) finding.
- Q. Of the permitted residential townhouse dwellings, at least five (5) restricted median-income affordable housing townhouse ownership units (Affordable Housing Units) shall be constructed on-site and sold at a mutually agreeable maximum affordable housing median-income ownership initial sales price (includes unit price and lot price) that is calculated based upon the one-hundred percent (100%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI) as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Housing Units shall be occupied by low or median-income households earning no more than one-hundred percent (100%) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by HUD. A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of ten (10) years shall be recorded against each residential restricted median-income affordable housing townhouse ownership unit concurrently at the close of escrow upon the sale of the Affordable Housing Units to memorialize



the affordable housing terms and conditions. The five (5) Affordable Housing Unit lots shall be identified on the Master Subdivision Final Plat, which may be amended from time to time. A restrictive covenant (i.e. affordable housing agreement) between the Town and Applicant shall be recorded against the five (5) Affordable Housing Unit lots prior to the issuance of a building permit for such lots to memorialize the affordable housing terms and conditions of the approved zoning condition. Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer.

- R. Where adjacent to existing residences, and where existing vegetation is not already in place, a 20' Type A buffer shall be provided. In all other areas, a 20' Type B buffer shall be provided.

**Architectural Standards**

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

Townhouse:

- A. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
- B. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
- C. Garage doors must have windows, decorative details, or carriage-style adornments on them.
- D. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
- E. The garage cannot protrude more than 1 foot from the front façade or front porch.
- F. Front facades shall have horizontal relief achieved using recesses and projections.
- 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. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- I. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
  - Bay windows
  - Recessed windows
  - Decorative windows
  - Trim around the windows
  - Wrap around porch or side porch
  - Two or more building materials
  - Decorative brick or stone
  - Decorative trim
  - Decorative shakes
  - Decorative air vents on gables
  - Decorative cornice
  - Column on gable
  - Portico
  - Balcony
  - Dormer
  - Decorative gable

Non-residential

Building orientation and hierarchy:

1. Buildings shall be arranged to define, connect, and activate pedestrian edges and public spaces.
2. Buildings shall be consistent in scale, massing, relationship to the street, and style.



3. The buildings shall be placed to maintain a consistent street edge. The relationship of the building to the street edge shall emphasize pedestrian circulation. Pedestrian spaces such as sidewalk dining or shaded seating are encouraged. Whenever practical, required parking and open space shall be maintained in the rear or sides of a building.
4. Buildings shall have vertical proportions. Expanses of blank wall shall not exceed forty (40) feet in width without being interrupted with an architectural feature such as, but not limited to, a column, recess in or projection from the building façade. Permitted setbacks can be used to articulate bays of a building to break up its width. Architectural features such as, but not limited to, columns, piers, rooflines, and brick patterns can be used to divide and create vertical orientation on building facades.
5. The main entry shall be human scaled and emphasized through the use of features such as, but not limited to, columns, piers, windows, recessed entries, sheltering elements, rooflines, trim, color change, material change and masonry patterns. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.
6. Buildings on corners are to be treated as gateways with quality design.
7. Corner buildings shall match or exceed the height of adjacent buildings.
8. Corner buildings shall have two facades which maintain a relationship to each other although they do not need to be identical.
9. Service bays should be located in the rear of structures.
10. The orientation of drive thru- lanes, pick-up windows, and other utilitarian building functions should not be oriented toward or located adjacent the street. If drive-thru lanes must be located adjacent to a street, they shall be screened through the use of low walls and/or landscaping. Pick-up windows shall be de-emphasized through screening and/or architectural elements.

#### Façade elements:

11. Each façade shall have a rhythm that is repeated through the pattern of wall and openings. The building façade shall have an identifiable base, body, and cap with horizontal elements separating these components. The body of the building shall constitute a minimum of fifty (50%) percent of the total building height. Buildings shall not have blank side walls creating a false front appearance.
12. The street level of the facades shall provide human scaled entries including, but not limited to, recessed entries, sheltering elements and adjacent storefront windows. Facades shall incorporate a minimum of two (2) continuous details refined to the scale of twelve (12) inches or less within the first ten (10) foot of the building wall, measured vertically at street level. Recessed arcades, entries flush with the building face, and small entries without adjacent windows shall be avoided.

#### Windows:

13. Windows and storefront glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide.
14. The highest percentage of glazing shall be provided at the street level. For buildings (where it is appropriate): (1) a minimum of fifty (50%) percent of the street level façade area shall be transparent or spandrel glass; and (2) second floors, where provided, shall have a minimum of thirty-five (35%) percent transparency or spandrel glass for the total façade area. Overall vertical building proportions shall be expressed in the window proportions. Expanses of vertical windows which give the overall appearance of horizontal massing shall be avoided.



Roof elements:

15. Simple parapet roof edges with varying coping and cornice shall be used on most buildings. The roofline height shall vary from building to building as well as within buildings with wide street frontage.
16. Each building shall have more than one parapet height.
17. Roof features may include hip roofs or awnings with metal or shingle roofs.

Materials and colors:

18. Buildings shall be architecturally compatible by way of colors and use of materials.
19. Each building exterior shall have more than one material color.
20. The exterior materials shall include a combination of building materials. The primary (front) façade materials of the main buildings include:
  - Brick masonry
  - Decorative concrete block (either integrally colored or textured)
  - Stone accents
  - Aluminum storefronts with anodized or pre-finished colors.
  - EIFS cornices and parapet trim.
  - Precast concrete
21. Exterior materials that will not be allowed are as follows:
  - Vinyl siding
  - Painted, smooth faced concrete block (decorative blocks are acceptable)
  - Metal walls
22. EIFS or synthetic stucco shall not be used in the first four feet (4') above grade and shall be limited to only 25% of each building façade
23. Soffit and fascia materials may be EIFS with crown trim elements.

**NATURAL RESOURCE AND ENVIRONMENTAL DATA**

The project is located within the Beaver Creek Basin and the Cape Fear River Basin. The Town's Watershed Protection Overlay District Map shows the site is within the Primary Watershed Protection Overlay District and contains FEMA designated 100-year floodplain.

**PARKING**

Parking for the development shall meet the requirements of UDO Section 8.3.

**PUBLIC FACILITIES:**

The project's construction will consist of the extension of public facilities to serve the site. All public facilities and infrastructure shall comply with the Town of Apex Sewer and Water Master Plans and the Town of Apex Standards and Specifications.

**STORMWATER MANAGEMENT:**

Development shall meet all stormwater requirements listed in the UDO, including limiting the post-development stormwater flows to not exceed the pre-development rates. In addition, the post-development peak runoff rate shall be limited to the pre-development peak runoff rate for the 2-year, 24-hour, the 10-year, 24-hour and the 25-year, 24-hour storm events. The development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section



6.1.7 of the UDO, such that post development peak runoff shall not exceed pre-development peak runoff rate for the 24-hour, the 10-year, 24-hour and the 25-year, 24-hour storm events.

**APEX TRANSPORTATION PLAN/ACCESS and CIRCULATION:**

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

- **General Roadway Infrastructure**

Developer shall provide minimum frontage widening based on ½ of the ultimate cross section as shown on the adopted Transportation Plan in effect at time of Master Subdivision Plan submittal. The road network will promote connectivity wherever possible to adjacent neighborhoods and undeveloped property. Further, cul-de-sacs will be avoided except where environmental features make through streets unfeasible. Sidewalks will be provided on both sides of streets internal to the site as required by the UDO.

Refer to the concept plan of the PUD plan for proposed access points, stub street extensions, and planned vehicular connectivity. All access and circulation are conceptual and will be finalized at the time of Master Subdivision Plan review and approval.

- **Transportation Improvements**

All proposed driveway access and improvements on state-maintained roadways are subject to NCDOT review and approval. Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Master Subdivision Plan and Construction Document approval process. A Traffic Impact Analysis (TIA) has been performed as part of this PUD rezoning consistent with the Town’s standards for the same. Based upon the TIA and staff review, the following traffic improvements are proposed for this development:

**Old US 1 Highway**

All development frontage improvements along Old US1 shall be provided based on a minimum 34’ edge-to-edge roadway including two 11’ travel lanes and 6’ bike lanes on 110’ right-of-way, planned for eventual widening to a 4-lane median-divided section. 5’ sidewalk shall be provided along the development frontage 1’ offset from the ultimate right-of-way.

A maximum of two (2) access points shall be proposed on Old US 1 Highway, to be located east of Friendship Road providing one (1) full-movement access and one (1) right-in/right-out access.

**Old US 1 Hwy and Site Drive #1**

- The Developer shall construct the southbound approach with one (1) ingress lane and one (1) egress lane striped as a right-in/right-out.
- The Developer shall provide stop-control for the southbound approach.
- At the time of constructing Site Drive #1 as a right-in/right-out access, Developer shall provide a westbound right-turn lane on Old US 1 Highway with of 50 feet of storage plus appropriate deceleration length and taper per NCDOT guidance and a 4’ or greater concrete median divider along the centerline of Old US 1 Highway to prevent left turns.





Old US 1 Hwy and Site Drive #2

- At the time of constructing Site Drive 2 as a full-movement access, developer shall provide a southbound approach with two egress lanes including an exclusive left turn lane and an exclusive right turn lane with 50 feet of storage and appropriate deceleration length and taper for a 25 mph design speed. In addition, developer shall provide an eastbound left turn lane on Old US 1 with 50 feet of storage plus appropriate deceleration length and taper per NCDOT guidance.

Requested by NCDOT

Old US Hwy 1 and Site Drive 2

- If sufficient right-of-way is available or obtained from adjacent property owners, the Developer shall construct an exclusive westbound right-turn lane on Old US 1 Hwy with a minimum of 50 feet of storage with appropriate deceleration and taper length per NCDOT guidance.

**WAYFINDING IMPROVEMENTS**

Wayfinding measures at the site shall be provided to facilitate the movement of vehicles and pedestrians to and within the development.

**WATER AND SANITARY SEWER**

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

**OTHER UTILITIES**

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

**ENVIROMENTAL ADVISORY BOARD:**

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

<b>EAB Suggested Condition</b>	<b>Applicant’s Response</b>
<ul style="list-style-type: none"> <li>• Install signage near environmental sensitive areas in order to:                             <ul style="list-style-type: none"> <li>○ Reduce pet waste near SCM drainage areas.</li> <li>○ Eliminate fertilizer near SCM drainage areas.</li> </ul> </li> </ul>	Added
<ul style="list-style-type: none"> <li>• Preserve tree canopy and prioritize medium to large, healthy, desirable species.                             <ul style="list-style-type: none"> <li>○ Preserve existing trees (percentage-based).</li> <li>○ o Replace canopy (percentage- or DBH size-based) where there is sufficient space.</li> </ul> </li> </ul>	Not added; Applicant unaware of what is on site and there is a buffered stream that will be protected with perimeter buffers.
<ul style="list-style-type: none"> <li>• Plant trees as designed for efficiency.                             <ul style="list-style-type: none"> <li>○ Plant deciduous shade trees on southern side of buildings.</li> <li>○ Plant evergreen trees as a windbreak on northern side of buildings.</li> </ul> </li> </ul>	Added

# STAFF REPORT

## Rezoning #21CZ31 Sears Property PUD

May 24, 2022 Town Council Meeting



EAB Suggested Condition	Applicant's Response
<ul style="list-style-type: none"> <li>• Increase biodiversity.                             <ul style="list-style-type: none"> <li>○ Plant pollinator-friendly flora.</li> <li>○ Plant native flora (Refer to the Apex Design &amp; Development Manual for approved native species).</li> </ul> </li> </ul>	Added
<ul style="list-style-type: none"> <li>• Implement green infrastructure.</li> </ul>	Not added
<ul style="list-style-type: none"> <li>• Provide diverse and abundant pollinator and bird food sources (e.g. nectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall.</li> </ul>	Added
<ul style="list-style-type: none"> <li>• Include landscaping that requires less irrigation and chemical use.                             <ul style="list-style-type: none"> <li>○ Plant warm season grasses for drought-resistance.</li> </ul> </li> </ul>	Added
<ul style="list-style-type: none"> <li>• Increase the number of native hardwood tree species planted to 3, preferably 4.</li> </ul>	Added
<ul style="list-style-type: none"> <li>• Install pet waste stations in neighborhoods</li> </ul>	Added
<ul style="list-style-type: none"> <li>• Include solar conduit in building design</li> </ul>	Added
<ul style="list-style-type: none"> <li>• Incorporate natural lighting techniques into building design.</li> </ul>	Not added; Natural lighting techniques are incorporated into every building design but to identify those features at zoning is very difficult
<ul style="list-style-type: none"> <li>• Include International Dark Sky Association compliance standards.                             <ul style="list-style-type: none"> <li>○ Outdoor lighting shall be shielded in a way that focuses lighting to the ground.</li> <li>○ Lighting that minimizes the emission of blue light to reduce glare shall be used.</li> <li>○ Lighting with a color temperature of 3000K or less shall be used for outside installations.</li> </ul> </li> </ul>	Added
<ul style="list-style-type: none"> <li>• All rooftops be designed to support the additional loads from solar PV installations. (2.5 pounds per sq. ft.).</li> </ul>	Not added; Applicant working on affordability option for the site so cannot commit
<ul style="list-style-type: none"> <li>• Install during construction solar PV systems of minimum 4 kW on thirty housing units (20% of housing units).</li> </ul>	Not added; Applicant working on affordability option for the site so cannot commit
<ul style="list-style-type: none"> <li>• Install a minimum of 10 kW solar on commercial building.</li> </ul>	Not added; Applicant Working on affordability option for the site so cannot commit
<ul style="list-style-type: none"> <li>• Water Quality                             <ul style="list-style-type: none"> <li>○ Increase riparian buffer widths from surface waters in environmentally sensitive areas.</li> <li>○ Add a zoning condition which minimizes tree clearing, SCM, or infrastructure in either zone of the riparian buffer, except as necessary for the installation of Town of Apex utilities.</li> <li>○ Install signage near environmental sensitive areas in order to:                                     <ul style="list-style-type: none"> <li>▪ Reduce pet waste near SCM drainage areas.</li> <li>▪ Eliminate fertilizer near SCM drainage areas</li> </ul> </li> </ul> </li> </ul>	Added
<ul style="list-style-type: none"> <li>• Planting and Landscaping</li> </ul>	Not added; The only non-residential to residential buffer is



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May 24, 2022 Town Council Meeting



EAB Suggested Condition	Applicant's Response
<ul style="list-style-type: none"><li>○ Increase perimeter buffer requirements, especially in transitional areas (nonresidential to residential areas)</li></ul>	located internal to the site. The buffer would be over an existing stream buffer that is being used for preservation and buffering
<ul style="list-style-type: none"><li>● Lighting Efficiency<ul style="list-style-type: none"><li>○ Include energy efficient lighting in building design.<ul style="list-style-type: none"><li>▪ Lower maximum foot-candles outside of buildings.</li></ul></li><li>○ Install timers or light sensors or smart lighting technology.</li></ul></li></ul>	Added

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

Sears Property PUD #21CZ31 was reviewed at the February 23, 2022 PRCR Advisory Commission. The Commission unanimously recommended a fee-in-lieu of dedication for a maximum of 160 Single-Family Attached units. Land dedication was not recommended as this property is located in very near proximity to the Apex Nature Park, the future Pleasant Park, and Olive Farm Park(s). The current 2022 fee rate per unit is \$2,528.25.

Per Article 14 of the UDO, any credit for greenway construction against fees requires the approval of construction plans, contingent upon approval of an engineer's estimate of probable cost for greenway construction

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

The Planning Board held a Public Hearing on May 9, 2022 and unanimously recommended approval with the following additional condition offered by the applicant: "Where adjacent to existing residences, and where existing vegetation is not already in place, a 20' Type A buffer shall be provided. In all other areas, a 20' Type B buffer shall be provided."

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

Planning staff recommends approval of rezoning #21CZ31 Sears Property PUD with conditions as proposed by the applicant.

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

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

The 2045 Land Use Map designates the site as Medium Density Residential/Office Employment. The proposed PUD is consistent with that land use classification. The proposed rezoning includes a mix of residential uses and commercial uses.

Approval of the rezoning is reasonable and in the public interest because it will provide a transition between lower and higher residential densities, while providing non-residential development opportunities along Old US 1 Highway. The proposed rezoning provides additional environmental conditions and provides an affordable housing option consistent with the Affordable Housing Plan.

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

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

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources;



provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments.

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

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

a) *Development parameters*

- (i) The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table*.
- (ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2030 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.
- (iii) The dimensional standards in Sec. 5.1.3 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.
- (iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.
- v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.
- (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.



- (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.
- b) *Off-street parking and loading.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.
- c) *RCA.* The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 Resource Conservation Area, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than ten percent (10%) provided that the PD Plan for PUD-CZ includes one or more of the following:
- (i) A non-residential component; or
  - (ii) An overall density of 7 residential units per acre or more; or
  - (iii) Environmental measures including but not limited to the following:
    - (a) The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;
    - (b) The installation of a geothermal system for a certain number or percentage of units within the development; or
    - (c) Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).
- d) *Landscaping.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.
- e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable



- for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.
- f) *Public facilities*. The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision* and Article 14: *Parks, Recreation, Greenways, and Open Space*.
- (i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.
- (ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.
- (iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.
- (iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.
- g) *Natural resource and environmental protection*. The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.
- h) *Storm water management*. The PD Plan shall demonstrate that the post-development rate of on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.
- i) *Phasing*. The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.
- j) *Consistency with 2045 Land Use Map*. The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town's 2045 Land Use.



- k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

### **Legislative Considerations**

The Town Council shall find the PUD-CZ designation demonstrates compliance with the following standards. Sec. 2.3.3.F:

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.





**Rezoning #21CZ31**

Westwinds

Bella Casa

West Village

Siena and Verona at Bella Casa

Winding Creek Estates

Pleasant Park

Kirkwood



## PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #: 21CZ31 Submittal Date: 12/1/21  
Fee Paid: \$ \_\_\_\_\_ Check #: \_\_\_\_\_

## PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Sears Property PUD  
Address(es): 0 & 2108 Old US 1 Highway  
PIN(s) 0731-10-7868; 0731-10-7055

\_\_\_\_\_ Acreage: 26.218  
Current Zoning: RR Proposed Zoning: PUD-CZ  
Current 2045 LUM Designation: Medium Density & Office/Employment

Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes  No

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

Area classified as mixed use: Acreage: N/A  
Area proposed as non-residential development: Acreage: \_\_\_\_\_  
Percent of mixed use area proposed as non-residential: Percent: \_\_\_\_\_

## Applicant Information

Name: Beazer Homes - Matt Christensen  
Address: 801 Corporate Center Drive - Suite 330  
City: Raleigh State: NC Zip: 27607  
Phone: (919) 995-5607 E-mail: matt.christensen@beazer.com

## Owner Information

Name: Brian Sears, Belinda Camp, The Pleasant Plains Baptist Church of Apex, NC & Apex Lodge No 584, A.F. & A.M.  
Address: 2804 Holland Road Robert Larry Sears (2108 Old US 1 Hwy)  
City: Apex, NC 27502 State: Apex, NC 27502 Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

## Agent Information

Name: Peak Engineering & Design, PLLC - attn: Jeff Roach, P.E.  
Address: 1125 Apex Peakway  
City: Apex State: NC Zip: 27502  
Phone: (919) 439-0100 E-mail: jroach@peakengineering.com  
Other contacts: dwoods@peakengineering.com  
Jason Barron - jbarron@morningstarlawgroup.com

## PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 21CZ31

Submittal Date: 12/1/21

### PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments. The PD text and plan should demonstrate how the standards of Sec. 2.3.4.F are met by the proposed rezoning.

### LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The 2045 LUM designation for the property is Medium Density Residential and Office/Employment. The proposed zoning would facilitate the development of residential and non-residential uses consistent with the guidance in the Comp Plan for properties with these land use designations.

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 rezoning is adjacent to residential properties to the north, east, and west and fronting along Old US 1 Highway to the south. The rezoning will enhance residential opportunities while also providing a complimentary non-residential section along the major thoroughfare that is Old US 1 Highway.

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

New development on the site will comply with supplemental use standards to the extent such standards are applicable under UDO 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 project will develop in a manner to limit impacts on surrounding properties. The design contemplates stub streets to adjacent property required by the UDO for future extension of services while avoiding adverse impacts post-construction. Design standards provide visual blocks to limit temp disruptions due to construction.

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 development will design the site infrastructure in a manner that will minimize and avoid environmentally sensitive areas to the extent practical. This includes protection of existing wetlands, stream buffers, and perimeter vegetative buffers to minimize the impact on surrounding property owners.

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 project has proposed significant roadway improvements to mitigate traffic concerns; will extend public water and sewer per Town standards to the site; and only improve public service opportunities in a currently under-served portion of the Apex ETJ.

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 zoning is consistent with the Town's long-range plans for development in this area. Existing and planned service extensions for the area which was bypassed by development in the past will improve response times to this property by Apex services (Police, Fire, EMS, trash and public utilities) providing added safety for residents.

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

The residential component of the project adjacent to other residential properties is what was expected within the framework of the 2045 LUM. The proposed buffers, preservation areas, and uses within the non-residential component are in keeping with the context of the area and will not be detrimental to existing 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.

The proposed rezoning will facilitate the residential and small non-residential construction on the property in a manner to mitigate possible impacts to surrounding properties through sound engineering and design. The site will not create a nuisance for existing or future residents or customers of the non-residential section.

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 project is proposed as a PUD-CZ and has offered various zoning conditions related to buffers, environmental protection, architectural guidelines, roadway improvements, and other features to comply or exceed current UDO standards.

## DEVELOPMENT NAME APPROVAL APPLICATION

Application #: **21CZ31**

Submittal Date: **12/1/21**

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500\*

### Purpose

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

### Guidelines

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

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

### Existing Development Titles, Recurring

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

\*excludes names with Green Level

**DEVELOPMENT NAME APPROVAL APPLICATION**

Application #: 21CZ31 Submittal Date: 12/1/21

**Proposed Subdivision/Development Information**

Description of location: North of Old US 1 Highway, west of Winding Creek Road  
Nearest intersecting roads: Old US 1 Highway and Winding Creek Road  
Wake County PIN(s): 0731-10-7868 & 0731-10-7055  
Township: Buckhorn

**Contact Information (as appropriate)**

Contact person: Peak Engineering & Design, PLLC - attn: Jeff Roach  
Phone number: (919) 439-0100 Fax number: N/A  
Address: 1125 Apex Peakway, Apex, NC 27502  
E-mail address: jroach@peakengineering.com  
Owner: Brian Sears, Belinda Camp, The Pleasant Plains Baptist Church of Apex, NC, Inc., & Apex Lodge No. 58  
Phone number: \_\_\_\_\_ Fax number: \_\_\_\_\_  
Address: 2804 Holland Road Apex, NC 2108 Old US 1 Highway Apex, NC  
E-mail address: \_\_\_\_\_

**Proposed Subdivision/Development Name**

1<sup>st</sup> Choice: ~~Townes at Pleasant Park~~ (name withdrawn - to be formally named at MSP)  
2<sup>nd</sup> Choice (Optional): \_\_\_\_\_

**Town of Apex Staff Approval:**

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

**TOWN OF APEX UTILITIES OFFER AND AGREEMENT**

Application #: 21CZ31

Submittal Date: 12/1/21

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

~~Townes at Pleasant Park~~ Sears Property PUD

(the "Premises")

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

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

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

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

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

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

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

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

ACCEPTED:

CUSTOMER: Beazer Homes, LLC

TOWN OF APEX

BY: Jason Vickers  
Authorized Agent

BY: \_\_\_\_\_  
Authorized Agent

DATE: 2-10-2022

DATE: \_\_\_\_\_

AGENT AUTHORIZATION FORM

Application #: 21CZ31

Submittal Date: 12/1/21

Robert Larry Sears 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: 2108 Old US 1 Highway

The agent for this project is: Peak Engineering & Design, PLLC

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


Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)\*

  
Robert Larry Sears  
Type or print name

11-30-2021  
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 #: 21CZ31

Submittal Date: 12/1/21

The undersigned, Robert Larry Sears (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

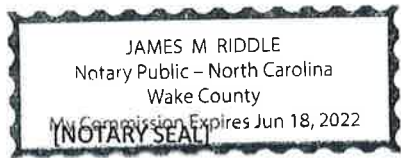
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2108 Old US 1 Highway and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
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 1/3/75, and recorded in the Wake County Register of Deeds Office on 1/28/75, in Book 2374 Page 459.
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 1/3/75, 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 1/3/75, 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 30 day of Nov., 2021.

Robert Larry Sears (seal)  
Robert Larry Sears  
 Type or print name

STATE OF NORTH CAROLINA  
 COUNTY OF NAHE

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



James M. Riddle  
 Notary Public  
 State of North Carolina  
 My Commission Expires: JUNE 18, 2022



Date: November 29, 2021

**Legal Description of a  
2.365 Acre  
Property of Robert Sears  
PIN: 0731-10-7055  
DB 2374, PG 459  
Apex, NC**

Subject property being located in Wake county, North Carolina:

BEGINNING at an iron pipe found, said iron pipe being located along the northerly right-of-way of Old US Highway 1, thence with the northerly right-of-way of Old US Highway 1, S 71° 10' 58" W 574.48' to an iron pipe found, said iron pipe also being the southeastern corner of the Now or Formerly Vicky & Ching Lin Property;  
Thence leaving the northerly right-of-way of Old US Highway 1, and with the easterly line of the Now or Formerly Vicky & Ching Lin Property, N 06° 09' 06" E 197.90' to an iron pipe found;  
Thence leaving the easterly line of the Now or Formerly Vicky & Ching Lin Property, N 71° 11' 17" E 574.28' to an iron pipe found;  
Thence S 06° 06' 21" W 197.77' to an iron pipe found, said iron pipe being along the northerly right-of-way of Old US Highway 1 and also being THE POINT AND PLACE OF BEGINNING and containing 103,034 square feet or 2.365 acres, more or less.

The property described hereon is subject to all easements, rights-of-way, and restrictions of record.





**AGENT AUTHORIZATION FORM**

Application #: 21CZ31

Submittal Date: 12/1/21

Apex Lodge No. 584, A.F. & A.M. is the owner\* of the property for which the attached application is being submitted:

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

The property address is: 0 Old US 1 Highway

The agent for this project is: Peak Engineering & Design, PLLC

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

Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)\*



PAUL MADRITCH  
Type or print name

11/29/2021  
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 #: 21CZ31

Submittal Date: 12/1/21

The undersigned, Apex Lodge No. 584, A.F. & A.M. (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Old US 1 Highway 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 6/11/21, and recorded in the Wake County Register of Deeds Office on 6/15/21, in Book 18552 Page 247.
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 6/11/21, 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 6/11/21, 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 29 day of NOV, 2021.

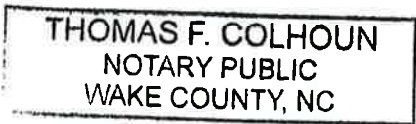
Paul Madritch (seal)

PAUL MADRITCH

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 Paul madritch, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Drivers License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

Thomas F. Colhoun / Thomas F. Colhoun  
Notary Public  
State of North Carolina  
My Commission Expires: 10/25/2025

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

Application #: 21CZ31

Submittal Date: 12/1/21

**Insert legal description below.**

Lot 4R, PB 2019, PG 1919

See attached legal description

**AGENT AUTHORIZATION FORM**

Application #: 21CZ31 Submittal Date: 12/1/21

The Pleasant Plains Baptist Church of Apex, NC, Inc. is the owner\* of the property for which the attached application is being submitted:

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

The property address is: 0 Old US 1 Highway

The agent for this project is: Peak Engineering & Design, PLLC

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

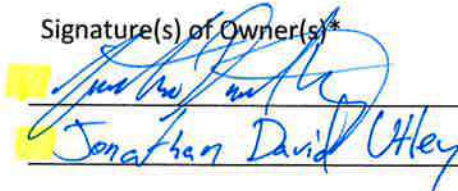
Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)\*

  
Jonathan David Utley

Type or print name

11-30-21

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 #: 21CZ31 Submittal Date: 12/1/21

The undersigned, The Pleasant Plains Baptist Church of Apex, NC, Inc. (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Old US 1 Highway 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 6/11/21 and recorded in the Wake County Register of Deeds Office on 6/15/21, in Book 18552 Page 247.
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 6/11/21, 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 6/11/21, 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 30th day of November, 2021.

[Signature] (seal)  
Jonathan David Utley  
 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 Jonathan David Utley, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Driver License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

**THOMAS F. COLHOUN**  
 NOTARY PUBLIC  
 WAKE COUNTY, NC

[NOTARY SEAL]

Thomas F. Colhoun / Thomas F. Colhoun  
 Notary Public  
 State of North Carolina  
 My Commission Expires: 10/25/2025

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

Application #: 21CZ31

Submittal Date: 12/1/21

**Insert legal description below.**

Lot 4R, PB 2019, PG 1919

See attached legal description

**AGENT AUTHORIZATION FORM**

Application #: 21CZ31 Submittal Date: 12/1/21

Brian Sears is the owner\* of the property for which the attached application is being submitted:

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

The property address is: 0 Old US 1 Highway

The agent for this project is: Peak Engineering & Design, PLLC

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

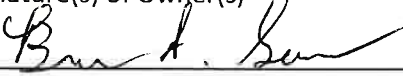
Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)\*



Brian S. Sears

Type or print name

11-29-2021

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 #: 21CZ31 Submittal Date: 12/1/21

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

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Old US 1 Highway 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 6/11/21 and recorded in the Wake County Register of Deeds Office on 6/15/21, in Book 18552 Page 247.
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 6/11/21, 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 6/11/21, 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 29 day of November, 2021.

Brian S. Sears (seal)  
Brian S. Sears  
 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 Brian S. Sears, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Drivers License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

**THOMAS F. COLHOUN**  
 NOTARY PUBLIC  
 WAKE COUNTY, NC

[NOTARY SEAL]

Thomas F. Colhoun / Thomas F. Colhoun  
 Notary Public  
 State of North Carolina  
 My Commission Expires: 10/25/2025



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

Application #: 21CZ31

Submittal Date: 12/1/21

**Insert legal description below.**

Lot 4R, PB 2019, PG 1919

See attached legal description

**AGENT AUTHORIZATION FORM**

Application #: 21CZ31

Submittal Date: 12/1/21

Belinda Camp & Ted Camp is the owner\* of the property for which the attached application is being submitted:

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

The property address is: 0 Old US 1 Highway

The agent for this project is: Peak Engineering & Design, PLLC

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

Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)\*

*Belinda Sears Camp*

Belinda Sears Camp

11/29/2021  
Date

Type or print name

*Ted Camp*

TED CAMP

11/29/2021  
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.

**AFFIDAVIT OF OWNERSHIP**

Application #: 21CZ31 Submittal Date: 12/1/21

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

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Old US 1 Highway 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 6/11/21, and recorded in the Wake County Register of Deeds Office on 6/15/21, in Book 18552 Page 247.
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 6/11/21, 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 6/11/21, 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 29 day of November, 2021.

Belinda Camp Ted Camp (seal)  
Belinda Sears Camp TED CAMP  
 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 Ted Camp Belinda S. Camp, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Drivers License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

THOMAS F. COLHOUN  
 NOTARY PUBLIC  
 WAKE COUNTY, NC

[NOTARY SEAL]

Thomas F. Colhoun / Thomas F. Colhoun  
 Notary Public  
 State of North Carolina  
 My Commission Expires: 10/25/2025

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

Application #: 21CZ31

Submittal Date: 12/1/21

**Insert legal description below.**

Lot 4R, PB 2019, PG 1919

See attached legal description

Date: November 29, 2021

**Legal Description of a  
23.853 Acre  
Property of Brian Sears & Belinda Camp  
PIN: 0731-10-7868  
DB 18552, PG 247  
Apex, NC**

Subject property being located in Wake county, North Carolina:

BEGINNING at an iron pipe found, said iron pipe being located along the northerly right-of-way of Old US Highway 1, thence with the northerly right-of-way of Old US Highway 1, S 71° 12' 22" W 180.68' to an iron pipe found;

Thence leaving the northerly right-of-way of Old US Highway 1, N 06° 06' 21" W 197.77' to an iron pipe found;

Thence S 71° 11' 17" W 574.28' to an iron pipe found, said iron pipe also being along the easterly line of the Now or Formerly Vicky & Ching Lin Property;

Thence N 06° 10' 02" E 333.26' to an iron pipe found;

Thence N 06° 04' 18" E 81.25' to an iron pipe found;

Thence N 06° 10' 51" E 417.58' to an iron pipe found;

Thence N 06° 07' 54" E 315.53' to an iron pipe found;

Thence N 06° 10' 18" E 174.26' to an iron pipe found;

Thence N 06° 19' 01" E 29.04' to an iron pipe found;

Thence N 06° 06' 28" E 383.71' to an iron pipe found, said iron pipe also being along the southerly line of the Now or Formerly Stephen & Suzanne Dalessandro Property;

Thence S 88° 12' 41" E 106.90' to an iron pipe found;

Thence S 88° 11' 41" E 199.81' to an iron pipe found;

Thence S 88° 09' 32" E 149.71' to an iron pipe set, said iron pipe also being the northwestern corner of the Now or Formerly Patricia Jones Property;

Thence S 11° 34' 39" E 74.91' to an iron pipe found;

Thence S 11° 34' 44" E 570.47' to an iron pipe found;

Thence S 11° 38' 55" E 160.12' to an iron pipe found;

Thence S 11° 34' 39" E 129.79' to an iron pipe set;

Thence S 11° 34' 39" E 173.36' to a computed point, said computed point also being along the westerly line of the Now or Formerly Larry Goll Property;



Thence leaving the westerly line of the Now or Formerly Larry Goll Property, S 51° 59' 24" W 317.49' to an iron pipe set;  
Thence S 11° 43' 44" E 90.55' to an iron pipe found;  
Thence S 11° 41' 01" E 299.45' to an iron pipe found, said iron pipe being along the northerly right-of-way of Old US Highway 1 and also being THE POINT AND PLACE OF BEGINNING and containing 1,039,024 square feet or 23.853 acres, more or less.

The property described hereon is subject to all easements, rights-of-way, and restrictions of record.



## Wake County Residential Development Notification

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

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

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

Developer Company Information	
<b>Company Name</b>	Beazer Homes
<b>Company Phone Number</b>	(919) 448-6167
<b>Developer Representative Name</b>	Jason Vickers
<b>Developer Representative Phone Number</b>	(919) 448-6167
<b>Developer Representative Email</b>	jason.vickers@beazer.com

New Residential Subdivision Information	
<b>Date of Application for Subdivision</b>	December 2022
<b>City, Town or Wake County Jurisdiction</b>	Town of Apex
<b>Name of Subdivision</b>	Townes at Pleasant Park
<b>Address of Subdivision (if unknown enter nearest cross streets)</b>	Old US 1 Highway near Winding Creek Road
<b>REID(s)</b>	0464914 & 0082802
<b>PIN(s)</b>	0731-10-7868 & 0731-10-7055

Projected Dates Information	
<b>Subdivision Completion Date</b>	June 2026
<b>Subdivision Projected First Occupancy Date</b>	January 2024

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family																	
Townhomes	160							2200	3000			2024	30	2025	80	2026	50
Condos																	
Apartments																	
Other																	



# NOTICE OF NEIGHBORHOOD MEETING

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

11/12/21

Date

Dear Neighbor:

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

2108 Old US Hwy 1

0731-10-7055

0 Old US Hwy 1

0731-10-7868

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](http://www.apexnc.org/180/Planning-Community-Development) or the [Apex Development Report](http://www.apexnc.org/180/Planning-Community-Development) located on the Town of Apex website at <http://www.apexnc.org/180/Planning-Community-Development>.

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

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

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

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

The rezoning is sought to create a residential townhome community interconnected with neighborhood-scale non-residential services along Old US Hwy 1

Estimated submittal date: December 2021

## MEETING INFORMATION:

Property Owner(s) name(s):

Robert Sears & Brian & Belinda Sears

Applicant(s):

Peak Engineering & Design, PLLC

Contact information (email/phone):

jroach@peakengineering.com/919-439-0100

Meeting Address:

https://morningstarlaw.group/11292021mtg

Date/Time of meeting\*\*:

11/29/21 @ 5PM

## MEETING AGENDA TIMES:

Welcome: 5:00 - 5:02 PM Project Presentation: 5:02 - 5:05 PM Question & Answer: 5:05 - 7:00 PM

\*\*Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning and Community Development 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-Community-Development>.

SITE ADDRESS	PIN_NUM	OWNER	MAILING ADDRESS	
2728 SOUTHWINDS RUN	0731118978	ALEXANDER, ROBERT F. III ALEXANDER, SUMMER C.	2728 SOUTHWINDS RUN	APEX NC 27502-6515
2008 OLD US 1 HWY	0731200492	CAMP, BELINDA S	2008 OLD US 1 HWY	APEX NC 27502-7767
1007 WINDING CREEK RD	0731212287	COLBY, RICHARD D COLBY, CAROL A	1007 WINDING CREEK RD	APEX NC 27502-8727
2825 HOLLAND RD	0731114963	DALESSANDRO, STEPHEN DALESSANDRO, SUZANNE M	2740 BRANTLEY DR	APEX NC 27539-9707
1005 WINDING CREEK RD	0731203998	DRAPER, THOMAS WILLIAM	1005 WINDING CREEK RD	APEX NC 27502-8727
2004 OLD US 1 HWY	0731204461	EVANS, MICHAEL ANDREW	2004 OLD US 1 HWY	APEX NC 27502-7767
0 FRIENDSHIP RD	0730196547	FRIENDSHIP ROAD LLC	6410 MCCRIMMON PKWY	MORRISVILLE NC 27560-8136
2729 SOUTHWINDS RUN	0731213985	GADSBY, JOHN HUNEYCUTT, LISA	2729 SOUTHWINDS RUN	APEX NC 27502-6516
1003 WINDING CREEK RD	0731204659	GOLL, LARRY ALAN	1003 WINDING CREEK RD	APEX NC 27502-8727
3017 HOLLAND RD	0731102964	HOPKINS, MARK A HOPKINS, LESLIE ERVIN	3017 HOLLAND RD	APEX NC 27502-9151
2829 HOLLAND RD	0731114538	JAIN, RAJAT JAIN, MALTI	2829 HOLLAND RD	APEX NC 27502-9150
1009 WINDING CREEK RD	0731213582	JONES, PATRICIA FISH	PO BOX 981	PITTSBORO NC 27312-0981
2116 OLD US 1 HWY	0731102019	LIN, VICKY KU LIN, JEN CHING	3101 FOX SHADOW DR	APEX NC 27502-8770
2124 OLD US 1 HWY	0730098773	MCCLAMB, WALTER J	PO BOX 243	APEX NC 27502-0243
2909 HOLLAND RD	0731112454	MONTGOMERY, CHRISTOPHER K MONTGOMERY, KAREN E	2909 HOLLAND RD	APEX NC 27502-5047
2109 OLD US 1 HWY	0730197850	NEVEROSKY, DEREK A	2109 OLD US 1 HWY	APEX NC 27502-7770
3031 HOLLAND RD	0731101525	ROMAN CATHOLIC DIOCESE OF RALEIGH NC THE	7200 STONEHENGE DR	RALEIGH NC 27613-1622
0 OLD US 1 HWY	0731107868	SEARS, BRIAN S CAMP, BELINDA S	2804 HOLLAND RD	APEX NC 27502-9150
2012 OLD US 1 HWY	0731201214	SEARS, OSCAR FINCH	2008 OLD US 1 HWY	APEX NC 27502-7767
2108 OLD US 1 HWY	0731107055	SEARS, ROBERT LARRY	2108 OLD US 1 HWY	APEX NC 27502-7769
2017 OLD US 1 HWY	0730292828	SEARS, STACEY WADE SEARS, GINNY HOLLAND	211 S SALEM ST	APEX NC 27502-1878
2732 SOUTHWINDS RUN	0731211835	SHARP, WARREN G SHARP, DEBRA	2732 SOUTHWINDS RUN	APEX NC 27502-6515
3001 FRIENDSHIP RD	0730190468	STROUP, BILLY E STROUP, ANNIE	1924 OLD US 1 HWY # 1S	APEX NC 27502-7765
2823 HOLLAND RD	0731124158	TRUSTEE OF THE HERITAGE LEGACY TRUST	2823 HOLLAND RD	APEX NC 27502-9150
3041 HOLLAND RD	0731009204	WESTERN WAKE BIBLE CHAPEL	7612 HUMIE OLIVE RD	APEX NC 27502-9670
2001 OLD US 1 HWY	0731205000	WRAY, FAYE F	2001 OLD US 1 HWY	APEX NC 27502-7768
		APEX TOWN OF	PO BOX 250	APEX NC 27502-0250
		Current Tenant	3001 Friendship RD	APEX NC 27502
		Current Tenant	2825 Holland RD	APEX NC 27502
		Current Tenant	3031 Holland RD	APEX NC 27502
		Current Tenant	2006 Old Us 1 HWY	APEX NC 27502
		Current Tenant	2012 Old Us 1 HWY	APEX NC 27502
		Current Tenant	2017 Old Us 1 HWY	APEX NC 27502
		Current Tenant	2124 Old Us 1 HWY	APEX NC 27502
		Current Tenant	1009 Winding Creek RD	APEX NC 27502

# 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: Sears Property PUD Assembly Zoning: PUD-CZ

Location: 0 & 2108 Old US Hwy 1

Property PIN(s): 0731-10-7055 & 0731-10-7868 Acreage/Square Feet: 26.218 acres

Property Owner: Robert Sears & Brian & Belinda Sears

Address: 2804 Holland Road

City: Apex State: NC Zip: 27502

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Developer: Beazer Homes

Address: 5400 Trinity Rd | Ste 313

City: Raleigh State: NC Zip: 27607

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Engineer: Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27607

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Builder (if known): Same as Developer

Address: \_\_\_\_\_

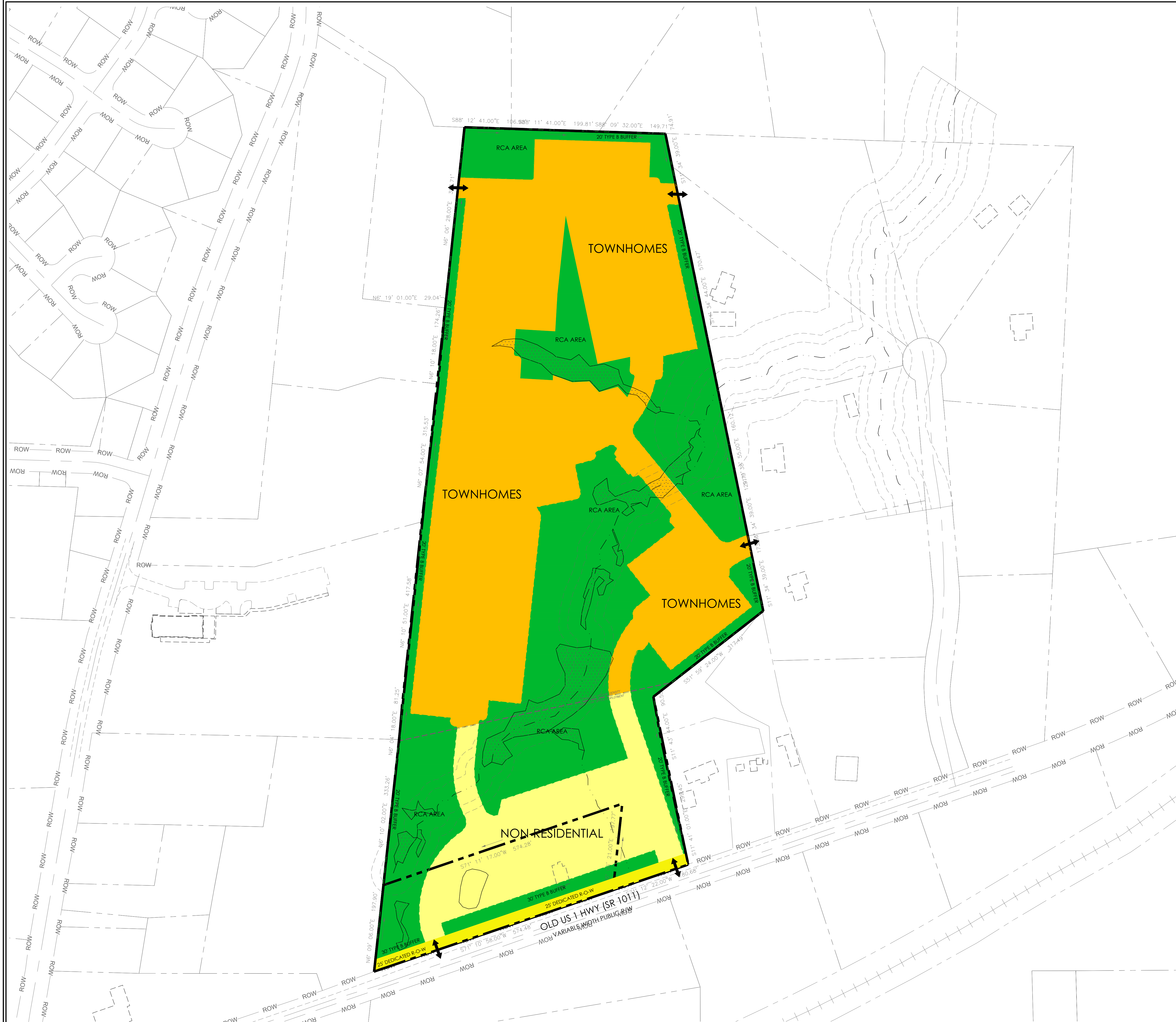
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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

## Town of Apex Department Contacts

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

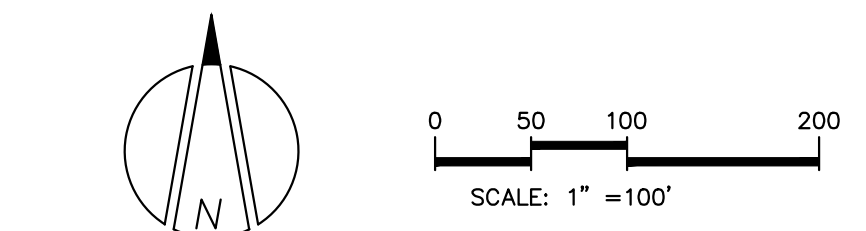


- BUFFERS/RCA/SCMs
- TOWNHOMES
- NON-RESIDENTIAL
- DEDICATED R-O-W

--- PROJECT PERIMETER BOUNDARY

↔ POTENTIAL ACCESS POINTS

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY



**1** CONCEPTUAL SITE PLAN  
C100 SCALE: 1" = 100'

seal:

NO.	DATE	REVISION	BY

title:  
**CONCEPTUAL SITE PLAN**

proj #:  
**190203**

date:  
**December 1, 2021**

dwg by: **JE**    chkd by: **JR**

scale:  
**As Noted**

sheet:

**C100**  
SKETCH PLAN



# SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Brian Sears, Belinda Camp, The Pleasant Plains Baptist Church of Apex, NC, Inc., & Apex Lodge No. 584, A.F. & A.M., Robert Larry Sears

Applicant(s): Beazer Homes

Contact information (email/phone): Jason Vickers (jason.vicker@beazer.com) (919) 448-6167

Meeting Address: Virtual

Date of meeting: 11/29/21 Time of meeting: 5:00 PM - 7:00 PM

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

Question/Concern #1:

See attached summary of neighborhood meeting

Applicant's Response:

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Question/Concern #2:

Applicant's Response:

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Question/Concern #3:

Applicant's Response:

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Question/Concern #4:

Applicant's Response:

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SEARS PLANNED UNIT DEVELOPMENT  
NEIGHBORHOOD MEETING SUMMARY  
NOVEMBER 29, 2021 5PM-7PM

1. How will access to the property work?
  - a. Access will be provided via two streets off of Old HWY 1. Additionally, street stubs will be provided to adjacent properties as required by the Town Ordinance
2. A serious concern was raised by the owner of property to the northwest of the site regarding the cross access proposed adjacent to his property.
  - a. The applicant explained that this cross access was shown in anticipation of ordinance requirements for the same.
3. Concerns were expressed related to the widths of buffers. Specifically, multiple attendees requested that buffers be increased to fifty feet (50') from the twenty feet (20') reflected on the PUD maps shared at the meeting.
  - a. The applicant noted the concern and request.
4. A concern was expressed related to the removal of existing large trees along the property lines of the subject property.
  - a. The applicant indicated that existing large trees would be saved within the 20' Type B buffers proposed for the development.
5. A question was asked as to whether a fence was proposed for the property line.
  - a. The applicant indicated that there was not currently a fence proposed, but is happy to meet on site with adjacent owners to review existing vegetation and determine whether a fence would provide a better option as compared to installing additional landscaping.
6. The owners of all properties along the western boundary of the site requested a larger, 50' buffer.
  - a. The applicant noted the request and indicated that the team would review the request to determine what is feasible for the development.
7. The owner of property to the northeast of the site also expressed concern related to the width of the buffer, and specifically requested a 50' buffer also.
  - a. The applicant noted the concern and indicated that the team would review the request to determine what is feasible for the development.
8. The owner of the property to the northeast of the site raised a concern with the proposed cross access to his property. This owner also asked whether the street stub provided as part of the development would have a barrier constructed to prevent people from driving onto his property.
  - a. The applicant noted the concern related to the proposed location of the driveway and explained that the ordinance would require cross access connections for any development of the subject property. Further, the applicant explained that a barrier would be constructed at the end of the street stub, and that no development activity would occur on the adjacent property when the street stub was installed.
9. A concern was raised related to emergency access to the site. Specifically, the concern was that the proposed access drives off of Old HWY 1 would be insufficient to provide adequate access for emergency services to the site.

- a. The applicant explained that the access proposed for the development, with a full movement along the eastern frontage and a right-in, right-out along the western frontage was consistent with the ordinance requirements for access.
10. A question was asked related to the proposed height of homes proposed for the site.
  - a. The applicant indicated that these would be two story townhomes with a maximum of 35'.
11. A question was asked related to parking for these townhomes.
  - a. The applicant indicated that these would be townhomes without a garage in an effort to attract a workforce housing buyer, and that parking would be provided in front of the townhomes.
12. Strong concern was raised with these being townhomes geared toward workforce housing. Specifically, a concern was raised about the type of buyers that would be buying in a community like this.
  - a. The applicant noted the concern, but also made clear the need for affordable housing options in Apex for teachers, nurses, police officers, etc.
13. A request was made that these townhomes be similar to those being built near Bella Casa with prices in the \$500,000 and up range.
  - a. The applicant noted the request.
14. A concern was raised as to whether the Town would annex the property of the adjacent owners.
  - a. The applicant made clear that North Carolina law does not permit involuntary annexation, and that the only way for their property to be annexed is if they ask for it.
15. A concern was noted related to a hill along Old HWY 1 along the western frontage of the site.
  - a. The applicant noted the concern and confirmed that the specific location of access points would be reviewed at the time of subdivision and would take into consideration this hill.
16. A concern was raised about the relocation of Holland Road to connect with Friendship Road and the signal that would be constructed in that location.
  - a. The applicant indicated that the relocation of Holland Road is contemplated in the Town's long range transportation plan.
17. Strong concerns were expressed related to the traffic in general in the area, as well as traffic that would be generated by this development.
  - a. The applicant indicated that a traffic study would be submitted as part of the rezoning and that it would be reviewed by the Town and NCDOT.
18. A question was raised related to whether the traffic study would include other developments.
  - a. The applicant explained that the study would include other approved developments as well as an additional growth factor.
19. A request was made that the maps provided in the meeting be sent around to the attendees.
  - a. The applicant indicated that they would do this.
20. A request was made that the nonresidential section of the development not include a gas station.
  - a. The applicant indicated that the uses proposed for that part of the development do not include a gas station.
21. A question was asked as to whether this would be Town water and sewer and, if so, where those services would come from.



- a. The applicant confirmed that the development would be served by Town water and sewer. The applicant indicated that water service is located along Old HWY 1, and that gravity sewer was planned along the stream that runs north and east within the property.
- 22. The property owner adjacent to the north east side of the development expressed strong opposition to sewer running through his property.
  - a. The applicant requested an opportunity to meet on the site and explore whether a mutually agreeable solution could be found.
- 23. A question was asked as to whether fiber would be provided in the community. One owner specifically said that if fiber was provided from the community to his home it would change his opinion of the development.
- 24. A request was made that the subject property be developed for a park.
  - a. The applicant indicated that the proposed developer intends to develop the site as a mixed use community of 160 townhomes and up to 11,000 square feet of nonresidential uses.
- 25. The owner of an adjoining property indicated that he owned a pool and expressed concern about security with a new development coming in.
  - a. The applicant noted the location of the pool and said they would review what could be done in that area.
- 26. A number of questions were raised related to existing encumbrances from adjacent properties onto the subject property.
  - a. The applicant said they would follow up with these owners to see what could be done with the owners to resolve these encumbrances.
- 27. A question was raised about topography and to what extent the site would need fill dirt.
  - a. The applicant indicated that they would make efforts to minimize the amount of fill needed and would try to balance the site with soils from the property, but confirmed that the site would need to be balanced through grading.

# NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Zoom meeting (virtual)  
 Date of meeting: November 29, 2021 Time of meeting: 5:00 pm - 7:00 pm  
 Property Owner(s) name(s): See attached list of property owners  
 Applicant(s): Beazer Homes, Morningstar Law Group and Peak Engineering & Design

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Rajat Jain	2829 Holland Road			
2.	Christopher and Karen Montgomery	2909 Holland Road			
3.	Mark Hopkins	3017 Holland Road			
4.	Richard Colby	1007 Winding Creek Drive			
5.	Larry Goll	1003 Winding Creek Road			
6.	Derek Neverosky	2109 Old US 1 HWY			
7.	Belinda Camp	2008 Old US 1 HWY			
8.	Jason Barron	Morningstar Law Group			
9.	Jason Vickers	Beazer Homes			
10.	Jeff Roach	Peak Engineering			
11.	Elizabeth Stitt				
12.					
13.					
14.					

Use additional sheets, if necessary.

# AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, Jeffrey A. Roach, do hereby declare as follows:  
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom meeting (location/address) on November 30, 2021 (date) from 5:00 pm (start time) to 7:00 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

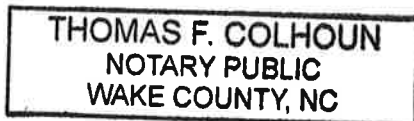
11/30/2021  
Date

By: [Signature]

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Thomas F. Colhoun, a Notary Public for the above State and County, on this the 30 day of November, 2021.

SEAL



Thomas F. Colhoun  
Notary Public  
Thomas F. Colhoun  
Print Name

My Commission Expires: 10/25/2025

# Sears Property PUD

PD PLAN

APEX, NORTH CAROLINA

Submitted: December 1, 2021

Resubmitted: February 11, 2022

Resubmitted: April 8, 2022

Resubmitted: May 13, 2022

PREPARED BY:





**Section 1: Table of Contents – PUD Text**

Section 1: Table of Contents

Section 2: Vicinity Map

Section 3: Project Data

Section 4: Purpose Statement

Section 5: Permitted Uses

Section 6: Design Controls

Section 7: Architectural Controls

Section 8: Parking and Loading

Section 9: Signage

Section 10: Natural Resource and Environmental Data

Section 11: Stormwater Management

Section 12: Parks and Recreation

Section 13: Public Facilities

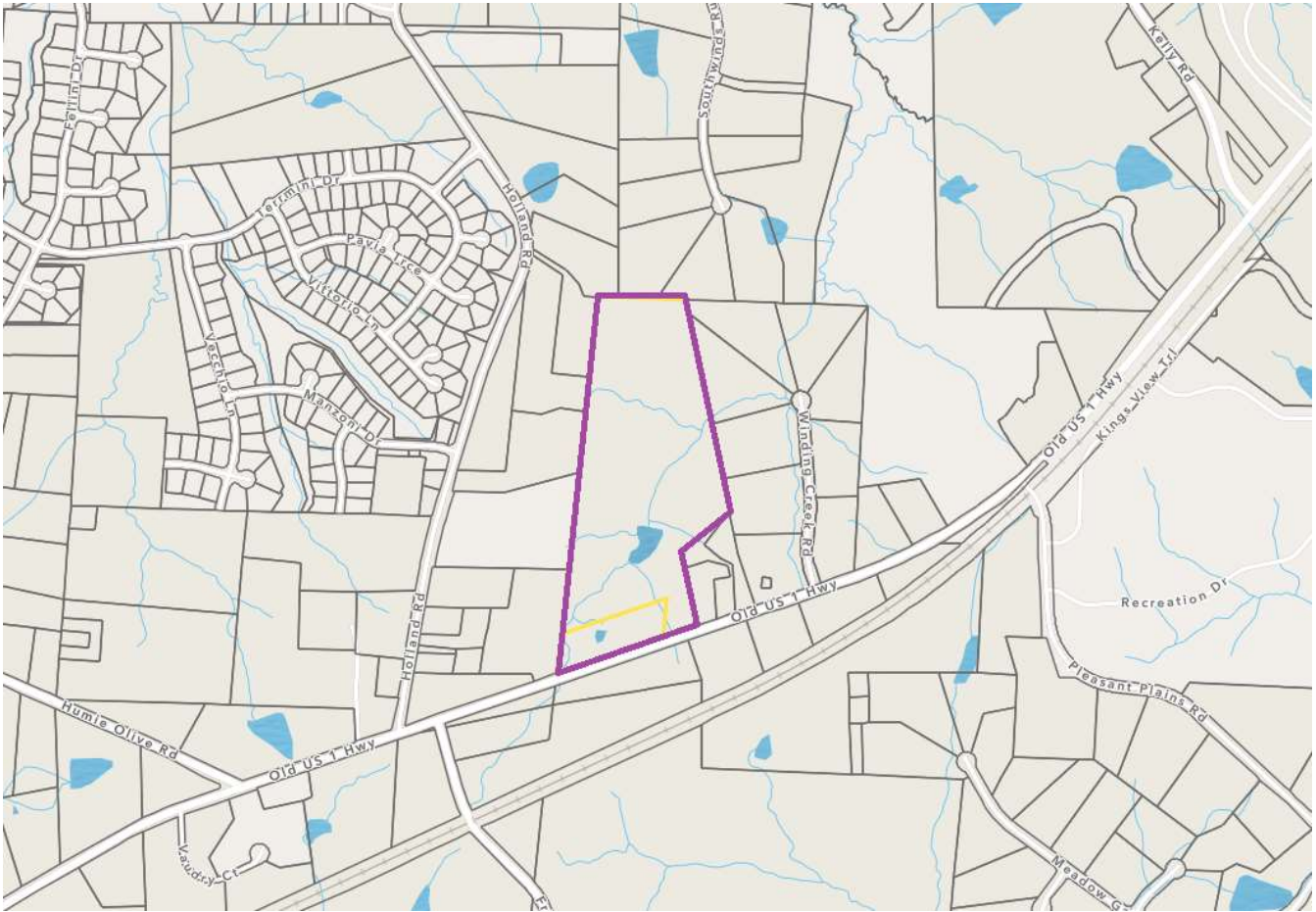
Section 14: Phasing Plan

Section 15: Consistency with 2045 Land Use Plan

Section 16: Compliance with UDO

Section 17: Compliance with Apex Transportation Plan and Bicycle Plan

## Section 2: Vicinity Map



The Sears Property PUD is located in the Town of Apex, north of Old US 1 Highway, east of Holland Road and west of Winding Creek Road. Old US 1 Highway provides frontage along the southern boundary of the subject property. The development is surrounded on three sides by large lot residential parcels with the exception of a church located on one of the parcels immediately to the west.

**Section 3: Project Data**

**A. Name of Project:**

Sears Property PUD

**B. Property Owners:**

**Brian S. Sears**  
2804 Holland Rd  
Apex, NC 27502

**The Masonic Lodge of Apex, NC #584**  
2804 Holland Road  
Apex, NC 27502

**Belinda S. Camp**  
2804 Holland Road  
Apex, NC 27502

**Pleasant Plains Baptist Church of  
Apex**  
28404 Holland Road  
Apex, NC 27502

**Robert Larry Sears**  
2108 Old US 1 Hwy  
Apex, NC 27502

**Prepared By:**

Jason Barron and Nil Ghosh  
Morningstar Law Group  
421 Fayetteville St | Ste 530  
Raleigh, NC 27601

**C. Current Zoning Designation:**

Rural Residential (RR)

**D. Proposed Zoning Designation:**

Planned Unit Development – Conditional Zoning (PUD-CZ)

**E. Current 2045 Land Use Map Designation:**

Medium Density Residential (3-7 units/acre); and  
Office Employment

**F. Proposed Use**

- Up to 160 Townhouses with associated open space, recreational amenities, and infrastructure; and
- Up to 11,000 square feet of non-residential space

**G. Size of Project**

A total of +/-26.218 acres

- approximately 19.258 acres for residential
- approximately 6.96 acres for non-residential

## Section 4: Purpose Statement

The Sears Property PUD development will be a mixed-use community with townhouses in the residential component and connectivity to a neighborhood scale non-residential area along Old US 1 Highway. The project provides a mixed-use concept given the site has frontage along Old US 1 Highway and the site is otherwise surrounded with residential uses. The portion of the development adjacent to Old US 1 Highway is designated for Office/Employment. The mixed-use concept for this project is to provide a transition both in density and in use between the existing large lot single-family homes to Old US 1 Highway and provides an orderly pattern of land uses.

This concept is consistent with the Town's stated PUD goals to provide site-specific, high-quality neighborhoods that exhibit natural feature preservation as well as compatibility with, and connectivity to, surrounding land uses. More specifically, this plan will:

- Allow uses that are compatible with Section 4.2.2, *Use Table* of the UDO
- Provide for the preservation of existing environmentally sensitive areas.
- Provide for site specific and appropriate stormwater controls that exceed the requirements of the UDO.
- Provide appropriate buffering and screening from the proposed use to the existing residential areas.
- Offer medium density housing and employment opportunities in an area slated for those uses on the 2045 Land Use Designation Map.
- Demonstrate dimensional standards that are consistent with the UDO, and where variations occur, said variations will be included herein and subject to Council approval.
- Provide a high-quality community that is linked by a network of connected streets and pedestrian sidewalks that promotes connectivity, walkability, and healthy lifestyles.
- Exhibit character and quality that is compatible with surrounding communities, which is expected to enhance the value of surrounding land uses.
- Provide open space and walkable trails to promote pedestrian activity, while appropriately buffering adjacent residential areas.

All site-specific standards and conditions of this PUD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in UDO Section 2.3.3, *Conditional Zoning Districts* and UDO Section 2.3.4.F.1, *Planned Unit Development (PUD-CZ) District*, except as provided for herein. The proposed PUD will provide a development density that is consistent with principles found throughout *Advance Apex 2045*.



## Section 5: Permitted Uses

The subject property 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, except as modified herein. 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. Specifically, the permitted uses include:

Within the area designated for Residential on the PD Plan

- Townhouse
- Greenway
- Recreation facility, private
- Park, active
- Park, passive
- Utility, minor
- Accessory apartment

Within the area designated for Non-Residential on the PD Plan

- Ambulatory Health-care Facility with Emergency Department
- Day care facility
- Government services
- Veterinary clinic or hospital
- Utility, minor
- Park, active
- Recreational facility, private
- Medical or dental laboratory
- Barber and beauty shop
- Floral shop
- Printing and copying services
- Real estate sales
- Tailor shop
- Microbrewery
- Microdistillery
- Drop-in or short-term day care
- Vocational school
- Botanical garden
- Greenway
- Park, passive
- Restaurant, drive-through
- Medical or dental office or clinic
- Office, business or professional
- Artisan Studio
- Financial institution
- Health/fitness center or spa
- Pet services
- Youth or day camps
- Accessory apartment

## Sears Property PUD

Additionally, the following conditions shall apply:

- A. A maximum of 160 residential units shall be permitted upon the property.
- B. A maximum of 11,000 square feet of non-residential uses shall be established on the property.
- C. No covenant shall be placed on the property which prohibits accessory apartment as a use.
- D. Outdoor storage shall not be permitted for non-residential uses.
- E. All townhouses and non-residential buildings shall provide solar conduit for the installation of rooftop solar panels.
- F. Signage or informational brochures shall be provided by any homeowner's association regarding the need to reduce pet waste and eliminate fertilizer near SCMs. The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area to reduce pet waste and eliminate fertilizer near SCMs. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
- G. The project shall provide diverse and abundant pollinator sources and install pollinator-friendly flora within SCM Planting areas.
- H. The project shall include plantings within perimeter buffers and along streetscapes; the selected species shall be native species chosen from the Apex Design & Development Manual or approved by Planning staff.
- I. Deciduous shade trees shall be planted along southern sides of building elevations and the selected species shall be taken from the Apex Design & Development Manual or approved by Planning staff.
- J. Evergreen trees shall be planted along northern elevations of buildings and the selected species shall be taken from the Apex Design & Development Manual or approved by Planning staff.
- K. A minimum of three (3) native hardwood tree species shall be planted throughout the development.
- L. The project shall increase biodiversity within the amenity area and recreational areas within the development by: selecting and installing tree, shrub, and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall. Subject to Condition K above, no single species shall constitute more than 20% of the selected plants for each landscaping type (trees, shrubs and perennials.)
- M. The project shall include landscaping that requires less irrigation and chemical use by planting warm season grasses and drought tolerant species for drought-resistance within perimeter buffers, SCMs, and along streets.
- N. The exterior lighting for all non-residential buildings, parking lots, and amenity areas will consist of entirely of LED fixtures. The project shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lots and private amenity areas.
  - a. The project within the amenity area shall use full cutoff LED fixtures that have a maximum color temperature of 3000K for all exterior lighting located within parking lot, private amenity areas, and building mounted fixtures on non-residential buildings.
- O. A minimum of three (3) pet waste stations shall be installed within the development located around the SCMs, play lawns, and gathering areas.

Sears Property PUD

- P. SCMs and their associated grading shall not be located within riparian stream buffers without the approval of a Town of Apex No Practical Alternatives (NPA) finding.
- Q. Of the permitted residential townhouse dwellings, at least five (5) restricted median-income affordable housing townhouse ownership units (Affordable Housing Units) shall be constructed on-site and sold at a mutually agreeable maximum affordable housing median-income ownership initial sales price (includes unit price and lot price) that is calculated based upon the one-hundred percent (100%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI) as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Housing Units shall be occupied by low or median-income households earning no more than one-hundred percent (100%) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by HUD. A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of ten (10) years shall be recorded against each residential restricted median-income affordable housing townhouse ownership unit concurrently at the close of escrow upon the sale of the Affordable Housing Units to memorialize the affordable housing terms and conditions. The five (5) Affordable Housing Unit lots shall be identified on the Master Subdivision Final Plat, which may be amended from time to time. A restrictive covenant (i.e. affordable housing agreement) between the Town and Applicant shall be recorded against the five (5) Affordable Housing Unit lots prior to the issuance of a building permit for such lots to memorialize the affordable housing terms and conditions of the approved zoning condition. Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer.
- R. Where adjacent to existing residences, and where existing vegetation is not already in place, a 20' Type A buffer shall be provided. In all other areas, a 20' Type B buffer shall be provided.

**Section 6: Proposed Design Controls**

**A. Non-Residential Densities and Design Controls**

Maximum Square Feet: 11,000  
 Maximum Height: 60 feet  
 Maximum Built-Upon Area: 70%

**Design Controls –**

**Minimum Building Setbacks**

	<b>Non-Residential (feet)</b>
<b>Street</b>	20
<b>Side</b>	20
<b>Rear</b>	20
<b>Building-to-buffer/RCA</b>	10
<b>Parking-to-buffer/RCA</b>	5

**B. Residential Densities and Design Controls**

- Maximum Density: 6.1 Units/Acre  
(includes RCA and rights-of-way)
- Maximum Number of Units: 160
- Maximum Built-Upon Area: 65%
- Minimum Lot Width: 20 feet for townhouse
- Maximum Building Height: 36 feet, no more than 2 stories

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

**Minimum Building Setbacks:**

	<b>Townhouse (feet)</b>
<b>Front</b>	10
<b>Front (garage)</b>	20
<b>Side</b>	3 (end unit); 6 (aggregate)
<b>Side (corner)</b>	6
<b>Rear</b>	10
<b>Building-to-building</b>	10
<b>Building-to-buffer/RCA</b>	10
<b>Parking-to-buffer/RCA</b>	5

**C. Buffers**

Perimeter Buffers

- Northern boundary: 20-foot Type B
- Southern boundary (Old US 1 HWY): 30-foot Type E
- Western boundary: 20-foot Type B
- Eastern boundary: 20-foot Type B

*Note: Where perimeter buffers coincide with stream buffers or 100-year floodplain, existing vegetation will be used to meet the buffer width and opacity. Further, per Section 5.R., there is a 20' Type A adjacent to existing residences.*

Thoroughfare and Collector Street Buffers

As depicted on the PD Plan, a 30' Type E Buffer shall be established along Old US 1 Highway.

## Section 7: Proposed Architectural Controls

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

### Townhouse:

- A. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
- B. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
- C. Garage doors must have windows, decorative details, or carriage-style adornments on them.
- D. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
- E. The garage cannot protrude more than 1 foot from the front façade or front porch.
- F. Front facades shall have horizontal relief achieved using recesses and projections.
- 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. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- I. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
  - Bay windows
  - Recessed windows
  - Decorative windows
  - Trim around the windows
  - Wrap around porch or side porch
  - Two or more building materials
  - Decorative brick or stone
  - Decorative trim
  - Decorative shakes
  - Decorative air vents on gables
  - Decorative cornice
  - Column on gable
  - Portico
  - Balcony
  - Dormer
  - Decorative gable



## Sears Property PUD

### Non-residential

#### Building orientation and hierarchy:

1. Buildings shall be arranged to define, connect, and activate pedestrian edges and public spaces.
2. Buildings shall be consistent in scale, massing, relationship to the street, and style.
3. The buildings shall be placed to maintain a consistent street edge. The relationship of the building to the street edge shall emphasize pedestrian circulation. Pedestrian spaces such as sidewalk dining or shaded seating are encouraged. Whenever practical, required parking and open space shall be maintained in the rear or sides of a building.
4. Buildings shall have vertical proportions. Expanses of blank wall shall not exceed forty (40) feet in width without being interrupted with an architectural feature such as, but not limited to, a column, recess in or projection from the building façade. Permitted setbacks can be used to articulate bays of a building to break up its width. Architectural features such as, but not limited to, columns, piers, rooflines, and brick patterns can be used to divide and create vertical orientation on building facades.
5. The main entry shall be human scaled and emphasized through the use of features such as, but not limited to, columns, piers, windows, recessed entries, sheltering elements, rooflines, trim, color change, material change and masonry patterns. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.
6. Buildings on corners are to be treated as gateways with quality design.
7. Corner buildings shall match or exceed the height of adjacent buildings.
8. Corner buildings shall have two facades which maintain a relationship to each other although they do not need to be identical.
9. Service bays should be located in the rear of structures.
10. The orientation of drive thru- lanes, pick-up windows, and other utilitarian building functions should not be oriented toward or located adjacent the street. If drive-thru lanes must be located adjacent to a street, they shall be screened through the use of low walls and/or landscaping. Pick-up windows shall be de-emphasized through screening and/or architectural elements.

#### Façade elements:

11. Each façade shall have a rhythm that is repeated through the pattern of wall and openings. The building façade shall have an identifiable base, body, and cap with horizontal elements separating these components. The body of the building shall constitute a minimum of fifty (50%) percent of the total building height. Buildings shall not have blank side walls creating a false front appearance.
12. The street level of the facades shall provide human scaled entries including, but not limited to, recessed entries, sheltering elements and adjacent storefront windows. Facades shall incorporate a minimum of two (2) continuous details refined to the scale of twelve (12) inches or less within the first ten (10) foot of the building wall, measured vertically at street level. Recessed arcades, entries flush with the building face, and small entries without adjacent windows shall be avoided.

## Sears Property PUD

### Windows:

13. Windows and storefront glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide.
14. The highest percentage of glazing shall be provided at the street level. For buildings (where it is appropriate): (1) a minimum of fifty (50%) percent of the street level façade area shall be transparent or spandrel glass; and (2) second floors, where provided, shall have a minimum of thirty-five (35%) percent transparency or spandrel glass for the total façade area. Overall vertical building proportions shall be expressed in the window proportions. Expanses of vertical windows which give the overall appearance of horizontal massing shall be avoided.

### Roof elements:

15. Simple parapet roof edges with varying coping and cornice shall be used on most buildings. The roofline height shall vary from building to building as well as within buildings with wide street frontage.
16. Each building shall have more than one parapet height.
17. Roof features may include hip roofs or awnings with metal or shingle roofs.

### Materials and colors:

18. Buildings shall be architecturally compatible by way of colors and use of materials.
19. Each building exterior shall have more than one material color.
20. The exterior materials shall include a combination of building materials. The primary (front) façade materials of the main buildings include:
  - Brick masonry
  - Decorative concrete block (either integrally colored or textured)
  - Stone accents
  - Aluminum storefronts with anodized or pre-finished colors.
  - EIFS cornices and parapet trim.
  - Precast concrete
21. Exterior materials that will not be allowed are as follows:
  - Vinyl siding
  - Painted, smooth faced concrete block (decorative blocks are acceptable)
  - Metal walls
22. EIFS or synthetic stucco shall not be used in the first four feet (4') above grade and shall be limited to only 25% of each building façade
23. Soffit and fascia materials may be EIFS with crown trim elements.

## **Section 8: Parking and Loading**

Parking for the development shall meet requirements of UDO Section 8.3.

## **Section 9: Signage**

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

## **Section 10: Natural Resource and Environmental Data**

### **A. River Basins and Watershed Protection Overlay Districts**

The project is located within the Beaver Creek Basin and the Cape Fear River Basin. The Town's Watershed Protection Overlay District Map shows the site is within the Primary Watershed Protection Overlay District and contains FEMA designated 100-year floodplain.

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

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

The site is located on the west side of the 540 corridor and therefore is required to preserve a minimum of 30% Resource Conservation Area (RCA) for areas used for residential uses and a minimum of 25% RCA for areas used for nonresidential uses. Designated RCA areas will be consistent with the items listed in Section 8.1.2(B) of the Town's UDO. Preserved streams, wetlands, and associated riparian buffers provide the primary RCA's throughout the site. Additional RCA area provided may include stormwater management areas, perimeter buffers, play lawns, and greenway trails within the walkable community.

### **C. Historic structures**

Based upon the information contained within the North Carolina State Historic Preservation Office website, there are no historic structures present within the project boundary.

## **Section 11: Stormwater Management**

Development shall meet all stormwater requirements listed in the UDO, including limiting the post-development stormwater flows to not exceed the pre-development rates. In addition, the post-development peak runoff rate shall be limited to the pre-development peak runoff rate for the 2-year, 24-hour, the 10-year, 24-hour and the 25-year, 24-hour storm events. The development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1.7 of the UDO, such that post development peak runoff shall not exceed pre-development peak runoff rate for the 24-hour, the 10-year, 24-hour and the 25-year, 24-hour storm events.

## **Section 12: Parks and Recreation**

Sears Property PUD #21CZ31 was reviewed at the February 23, 2022 PRCR Advisory Commission. The Commission unanimously recommended a fee-in-lieu of dedication for a maximum of 160 Single-Family Attached units. Land dedication was not recommended as this property is located in very near proximity to the Apex Nature Park, the future Pleasant Park, and Olive Farm Park(s). The current 2022 fee rate per unit is \$2,528.25.

Per Article 14 of the UDO, any credit for greenway construction against fees requires the approval of construction plans, contingent upon approval of an engineer's estimate of probable cost for greenway construction.

### **Section 13: Public Facilities**

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

- **General Roadway Infrastructure**

Developer shall provide minimum frontage widening based on ½ of the ultimate cross section as shown on the adopted Transportation Plan in effect at time of Master Subdivision Plan submittal. The road network will promote connectivity wherever possible to adjacent neighborhoods and undeveloped property. Further, cul-de-sacs will be avoided except where environmental features make through streets unfeasible. Sidewalks will be provided on both sides of streets internal to the site as required by the UDO.

Refer to the concept plan of the PUD plan for proposed access points, stub street extensions, and planned vehicular connectivity. All access and circulation are conceptual and will be finalized at the time of Master Subdivision Plan review and approval.

- **Transportation Improvements**

All proposed driveway access and improvements on state-maintained roadways are subject to NCDOT review and approval. Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Master Subdivision Plan and Construction Document approval process. A Traffic Impact Analysis (TIA) has been performed as part of this PUD rezoning consistent with the Town's standards for the same. Based upon the TIA and staff review, the following traffic improvements are proposed for this development:

Old US 1 Highway

All development frontage improvements along Old US1 shall be provided based on a minimum 34' edge-to-edge roadway including two 11' travel lanes and 6' bike lanes on 110' right-of-way, planned for eventual widening to a 4-lane median-divided section. 5' sidewalk shall be provided along the development frontage 1' offset from the ultimate right-of-way.

A maximum of two (2) access points shall be proposed on Old US 1 Highway, to be located east of Friendship Road providing one (1) full-movement access and one (1) right-in/right-out access.

## Sears Property PUD

### Old US 1 Hwy and Site Drive #1

- The Developer shall construct the southbound approach with one (1) ingress lane and one (1) egress lane striped as a right-in/right-out.
- The Developer shall provide stop-control for the southbound approach.
- At the time of constructing Site Drive #1 as a right-in/right-out access, Developer shall provide a westbound right-turn lane on Old US 1 Highway with of 50 feet of storage plus appropriate deceleration length and taper per NCDOT guidance and a 4' or greater concrete median divider along the centerline of Old US 1 Highway to prevent left turns.

### Old US 1 Hwy and Site Drive #2

- At the time of constructing Site Drive 2 as a full-movement access, developer shall provide a southbound approach with two egress lanes including an exclusive left turn lane and an exclusive right turn lane with 50 feet of storage and appropriate deceleration length and taper for a 25 mph design speed. In addition, developer shall provide an eastbound left turn lane on Old US 1 with 50 feet of storage plus appropriate deceleration length and taper per NCDOT guidance.

### Requested by NCDOT

#### Old US Hwy 1 and Site Drive 2

- If sufficient right-of-way is available or obtained from adjacent property owners, the Developer shall construct an exclusive westbound right-turn lane on Old US 1 Hwy with a minimum of 50 feet of storage with appropriate deceleration and taper length per NCDOT guidance.
- **Wayfinding Improvements**  
Wayfinding measures at the site shall be provided to facilitate the movement of vehicles and pedestrians to and within the development.
- **Water and Sanitary Sewer**  
All development within the project shall be served by the Town of Apex water and sanitary sewer facilities. The utility design will be finalized at the time of development plan review and approval upon available facilities adjacent to the site at that time. A conceptual utility plan is included in the PUD plan for reference. All utility infrastructure shall meet current Town water and sewer master plans.
- **Other Utilities**  
Electricity will be provided by Apex Electric. Phone, cable, and gas will be provided by the developer and shall meet the Town of Apex standards as outlined in the UDO.



### **Section 14: Phasing Plan**

This PUD and all improvements required to support the uses contemplated by the PUD, including without limitation infrastructure and public facilities, may be completed in multiple phases, with construction anticipated to begin in 2023. Project phasing will be planned to ensure the points of access, RCA, stormwater controls and other design standards are met in accordance with the UDO. A final phasing plan will be incorporated within the Master Subdivision Plans (MSP) for review and approval through the Technical Review Committee.

### **Section 15: Consistency with the 2045 Land Use Map**

The proposed land use is consistent with the Town of Apex's 2045 Land Use Map.

### **Section 16: Compliance with the UDO**

The development standards adopted for this PUD are in compliance with those set forth in the current version of the Town's Unified Development Ordinance (UDO). Any deviations from UDO requirements have been specifically defined within this document. No deviations from the UDO are currently anticipated with the project zoning documents.

### **Section 17: Compliance with Comprehensive Transportation Plan and Bicycle Plan**

Development plans submitted pursuant to this rezoning shall comply with the adopted Comprehensive Transportation Plan in effect at the time of the development plan submittal, as provided for in the Unified Development Ordinance. Further, development of the property shall be consistent with the Town's adopted Bicycle Plan in effect at the time of the development plan submittal.



# SEARS PROPERTY PUD

## PLANNED UNIT DEVELOPMENT CONDITIONAL ZONING OLD U.S. 1 HIGHWAY APEX, NORTH CAROLINA DECEMBER 1, 2021 Zoning Case #21CZ31

### SITE INFORMATION:

Property Owner(s)/Site Address	PIN	REID	Map Number	Deeded Acreage	Deed Book/Plat Book & Page
SEARS, BRIAN S CAMP, BELINDA S. THE MASONIC LODGE OF APEX, NC #584 PLEASANT PLAINS BAPTIST CHURCH OF APEX, NC 0 OLD US 1 HWY APEX, NC 27502	0731-10-7868	464914	073103	23.853	DB 18552 PG 247-251 BM 2019 PG 01919
SEARS, ROBERT LARRY 2108 OLD US 1 HWY APEX, NC 27502	0731-10-7055	82802	073103	2.365	DB 2374 PG 459 DB 1073 PG 113 BM 2019 PG 247
Total acreage:				26.218 acres	

Existing Zoning: RR (Rural Residential)  
Proposed Zoning: PUD-CZ (Planned Unit Development - Conditional Zoning)

Current 2045 Land Use Map: Medium Density Residential & Office Employment  
Existing Use: Vacant, Agricultural

Township: Buckhorn

Flood Zone Information: Firm Panel 3720073100J dated 5-2-2006 does not show the presence of flood zones on the properties  
Watershed Information: Primary Watershed Protection Overlay District, Beaver Creek Basin, Cape Fear River Basin

Historical: No historical structures on site

#### Proposed Uses:

Residential:	<ul style="list-style-type: none"> <li>Townhouse</li> <li>Greenway</li> <li>Recreation Facility, private</li> <li>Park, active</li> <li>Accessory apartment</li> </ul>	<ul style="list-style-type: none"> <li>Park, passive</li> <li>Utility, minor</li> </ul>
Non-Residential:	<ul style="list-style-type: none"> <li>Ambulatory Health-care Facility with Emergency Department</li> <li>Day care facility</li> <li>Government services</li> <li>Veterinary clinic or hospital</li> <li>Utility, minor</li> <li>Park, active</li> <li>Recreational facility, private</li> <li>Medical or dental laboratory</li> <li>Barber and beauty shop</li> <li>Floral shop</li> <li>Printing and copying services</li> <li>Real estate sales</li> <li>Tailor shop</li> <li>Microbrewery</li> <li>Youth or day camps</li> </ul>	<ul style="list-style-type: none"> <li>Microdistillery</li> <li>Drop-in or short term day care</li> <li>Vocational school</li> <li>Botanical garden</li> <li>Greenway</li> <li>Park, passive</li> <li>Restaurant, drive-through</li> <li>Medical or dental office or clinic</li> <li>Office, business or professional</li> <li>Artisan studio</li> <li>Financial institution</li> <li>Health/fitness center or spa</li> <li>Pet services</li> <li>Accessory apartment</li> </ul>

Buildings: 160 Townhouses  
11,000 SF Non-Residential Building

Acreage: 26.218 acres  
Townhouse: 19.258 acres  
Non-Residential: 6.96 acres

Townhouse Density: 6.13 DU/acre (160 DU / 26.218 acres)

Building Height:  
Townhouses: 36 feet / 2-stories  
Non-Residential: 36' - 60' maximum (to be determined based upon use)

Built Upon Area (BUA):  
Townhouses: 65%  
Non-Residential: 65% - 70% (to be determine based upon use)

Building Setbacks:	Townhouses	Non-Residential
Front:	10 feet	20 feet
Front (garage):	20 feet	----
Side (end unit):	3 feet	20 feet
	(6 feet aggregate)	
Side (corner):	6 feet	----
Rear:	10 feet	20 feet
Building to Building:	10 feet	----
Building to Buffer/RCA:	10 feet	10 feet
Parking to Buffer/RCA:	5 feet	5 feet

Parking: Parking shall comply with UDO Section 8.3.2

Townhouses Required Spaces: 2 spaces per dwelling unit plus .25 per unit for guest parking  
2 spaces x 160 dwelling units = 320 spaces  
.25 x 160 dwelling units = 40 spaces  
360 parking spaces required

Non-Residential Required Spaces: To Be Determined Based Upon Use and UDO requirements

### DRAWING INDEX:

C000	COVER SHEET
C001	EXISTING CONDITIONS
C100	CONCEPTUAL SITE PLAN
C200	CONCEPTUAL UTILITY PLAN

### OWNER/DEVELOPER

**BEAZER HOMES**  
MATT CHRISTENSEN  
801 CORPORATE CENTER DRIVE SUITE 303  
RALEIGH, NC 27607  
PHONE: (919) 995-5607

### TRANSPORTATION ENGINEER

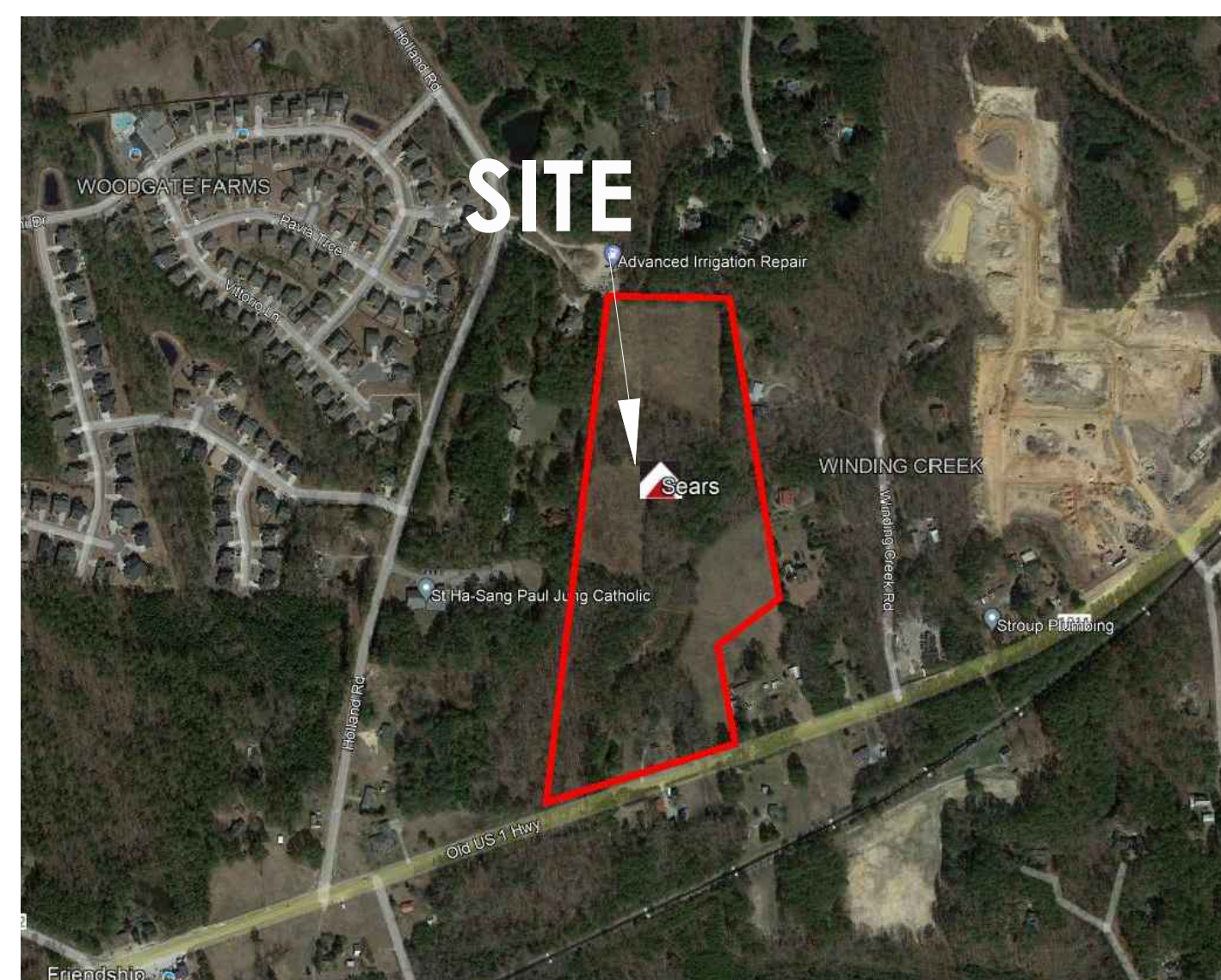
**RAMEY KEMP & ASSOCIATES**  
NATE BOUQUIN  
5808 FARINGDON PLACE SUITE 100  
RALEIGH, NC 27609

### CIVIL ENGINEER

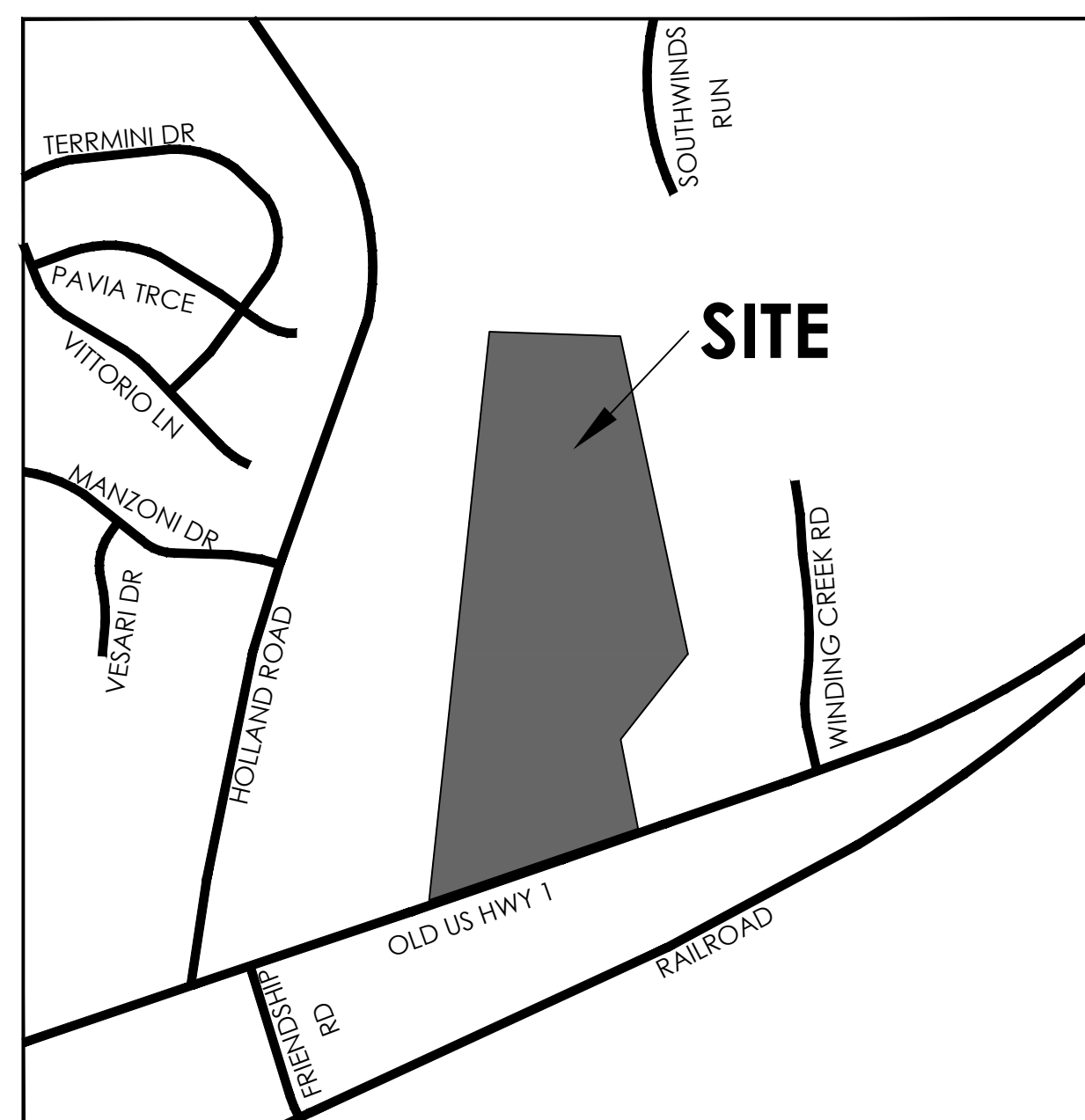
**PEAK ENGINEERING & DESIGN, PLLC**  
JEFF ROACH, P.E.  
1125 APEX PEAKWAY  
APEX, NC 27502  
PHONE: (919) 439-0100

### ENVIRONMENTAL CONSULTANT

**SAGE ECOLOGICAL SERVICES, INC.**  
SEAN CLARK  
3707 SWIFT DRIVE  
RALEIGH, NC 27606



AERIAL MAP  
NOT TO SCALE



VICINITY MAP  
NOT TO SCALE



THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY

NO.	DATE	REVISION	BY
1	MARCH 10, 2022	TOWN OF APEX - 1ST ZONING COMMENTS	JR
2	APRIL 8, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	JR
3	APRIL 25, 2022	TOWN OF APEX - 3RD ZONING COMMENTS	JR

title:  
**COVER SHEET**

proj #:

**190203**

date:

**December 1, 2021**

dwg by: chkd by:

**JE JR**

scale:

**As Noted**

sheet:

**C000**

SKETCH PLAN



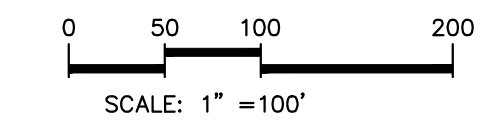
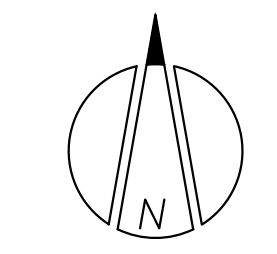


WETLANDS

TREE LEGEND

- PINE TREES (>18" DBH)
- DECIDUOUS TREES (>18" DBH)

THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY



**1** EXISTING CONDITIONS  
SCALE: 1" = 100'

Project:  
**SEARS PROPERTY PUD**  
**OLD US 1 HWY**  
**BUCKHORN TOWNSHIP**  
**APEX, NORTH CAROLINA 27502**

seal:

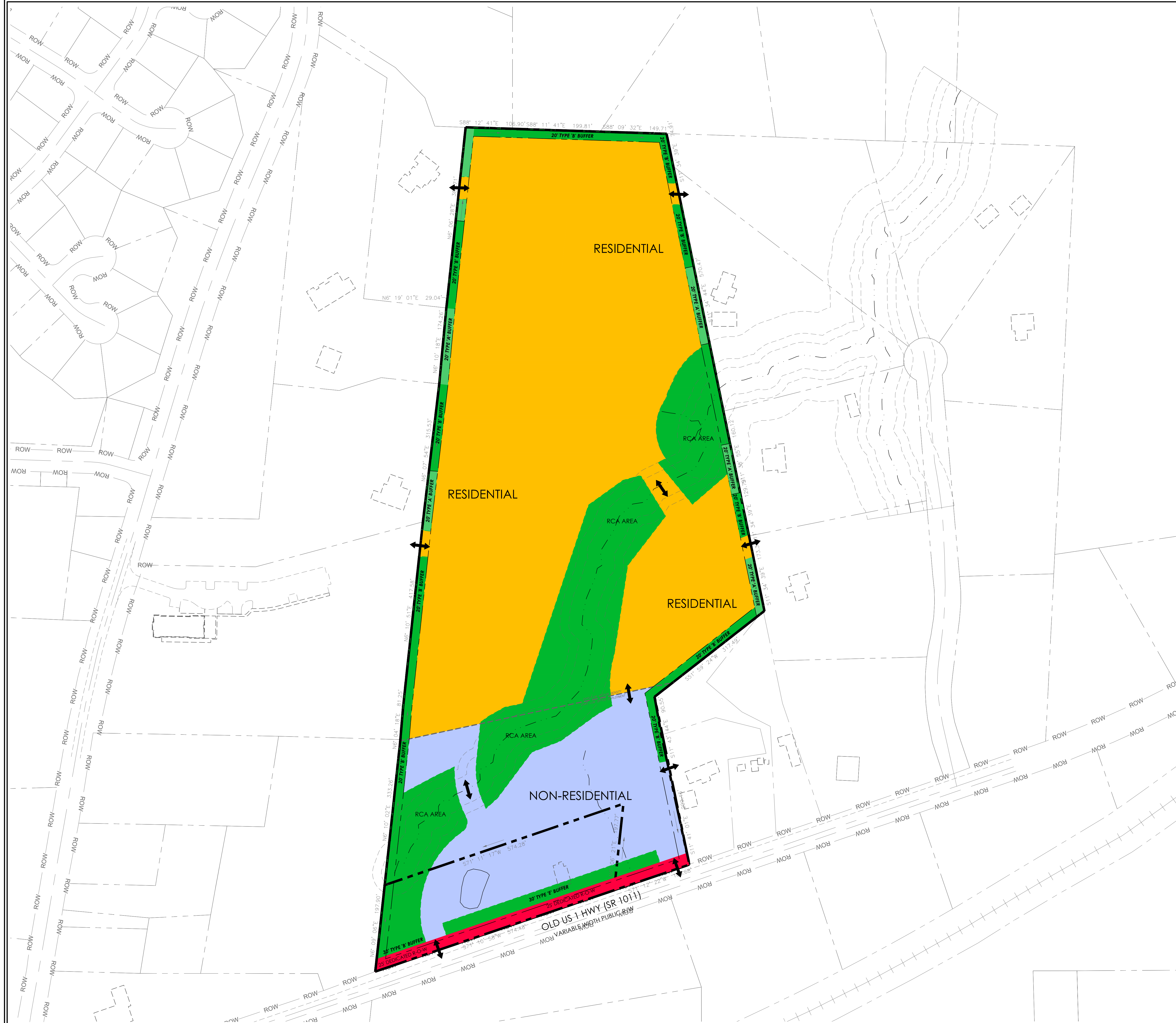
NO.	DATE	REVISION	BY
1	MARCH 10, 2022	TOWN OF APEX - 1ST ZONING COMMENTS	JR
2	APRIL 8, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	JR
3	APRIL 25, 2022	TOWN OF APEX - 3RD ZONING COMMENTS	JR

title:  
**EXISTING CONDITIONS**

proj #: 190203  
date: December 1, 2021  
dwg by: chkd by: JE JR  
scale: As Noted

sheet:  
**C001**  
SKETCH PLAN

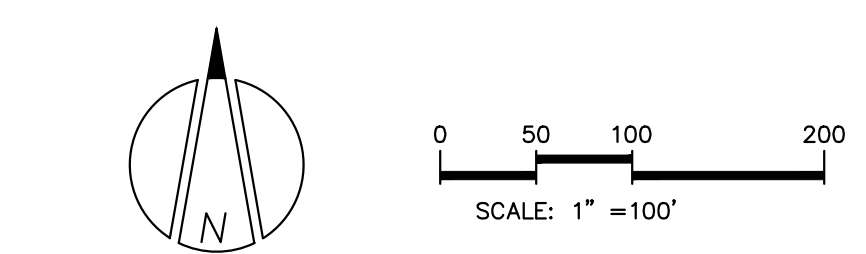




- TYPE 'A'
- TYPE 'B'
- RESIDENTIAL
- NON-RESIDENTIAL
- DEDICATED R-O-W

- PROJECT PERIMETER BOUNDARY
- POTENTIAL ACCESS POINTS

THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY



**1** CONCEPTUAL SITE PLAN  
SCALE: 1" = 100'

NC License #P-0673

Project: **SEARS PROPERTY PUD**  
**OLD US 1 HWY**  
**BUCKHORN TOWNSHIP**  
**APEX, NORTH CAROLINA 27502**

seal:

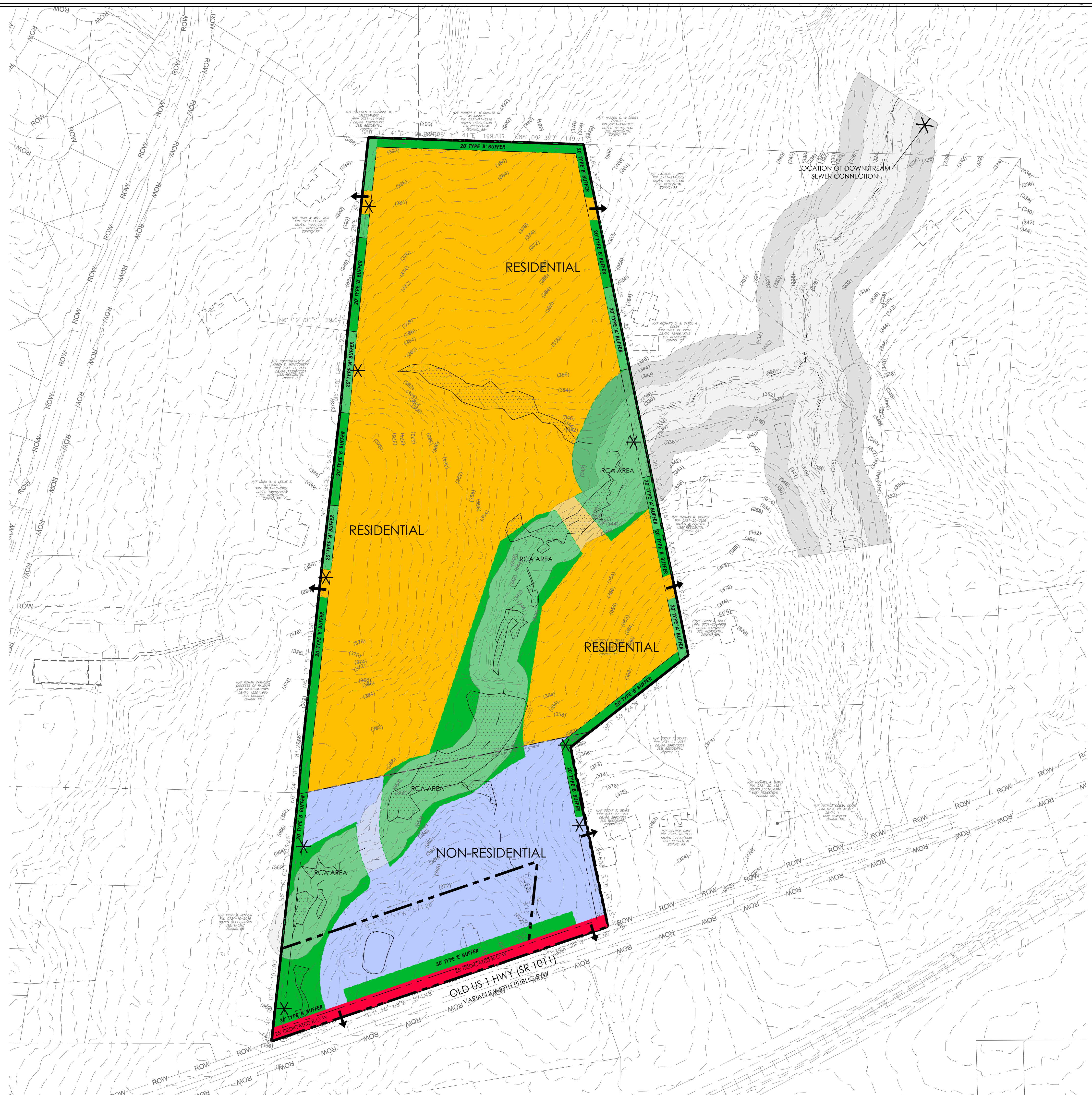
DATE	BY	REVISION
MARCH 10, 2022	JR	TOWN OF APEX - 1ST ZONING COMMENTS
APRIL 25, 2022	JR	TOWN OF APEX - 2ND ZONING COMMENTS
APRIL 25, 2022	JR	TOWN OF APEX - 4th ZONING COMMENTS

title:  
**CONCEPTUAL SITE PLAN**

proj #: **190203**  
date: **December 1, 2021**  
dwg by: **chkd by: JR**  
scale: **As Noted**

sheet:  
**C100**  
SKETCH PLAN



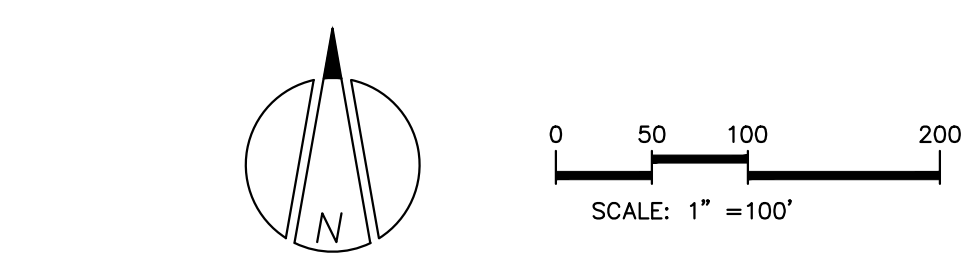


**UTILITY NOTES:**

1. THE SITE IS REQUESTING FULL TOWN SERVICES - WATER, SEWER AND ELECTRICITY
2. THIS SITE WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.

- ↑ PROPOSED WATER CONNECTIONS
- \* PROPOSED SEWER CONNECTIONS
- PROJECT PERIMETER BOUNDARY

THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY



**1** CONCEPTUAL UTILITY PLAN  
C200 SCALE: 1" = 100'

Project:  
**SEARS PROPERTY PUD**  
**OLD US 1 HWY**  
**BUCKHORN TOWNSHIP**  
**APEX, NORTH CAROLINA 27502**

seal:

DATE	BY	REVISION
MARCH 10, 2022	JR	TOWN OF APEX - 1ST ZONING COMMENTS
APRIL 26, 2022	JR	TOWN OF APEX - 2ND ZONING COMMENTS
APRIL 26, 2022	JR	TOWN OF APEX - 4th ZONING COMMENTS

title:  
**CONCEPTUAL UTILITY PLAN**

proj #:  
**190203**  
date:  
**December 1, 2021**  
dwg by: chkd by:  
**JR JR**  
scale:  
**As Noted**

sheet:  
**C200**  
SKETCH PLAN





Building A - East Elevation 3  
1/8" = 1'-0"



Building A - North Elevation 2  
1/8" = 1'-0"



BUILDING A - NE PERSPECTIVE VIEW 1

Building elevations are for illustrative purposes only





BRICK 1



DARK BRONZE ALUMINUM CANOPY & STOREFRONT

**m.look NCore®**  
The Non Combustible material with the highest degree of architectural freedom and design possibilities for limitless ideas.

m.look NCore offers the unique combination of a non combustible rainscreen material which comes in the full range of 121 colors and decors for unlimited architectural ideas and any building height.

Material in compliance with sections 703.5.1 and 703.5.2 of the 2015 IBC for materials considered non combustible based on code requirements and passing ASTM E136 and E84 test protocol

- ADVANTAGES**
- Large 52 23/64"x137 51/64" panel size
  - Scratch resistant
  - Graffiti resistant
  - Non-porous and easy to clean
  - Easy to install
  - Light weight facade panel
  - Extremely UV and weather resistant
  - Impact resistant
  - Double-hardened, NT® surface
  - 121 colors/decors

- APPLICATIONS**
- Exterior:** rainscreen facades, balcony cladding, soffits, sun protection, fence elements.
- Interior:** wall cladding, ceilings, partitions for offices and restrooms, staircase and handrail infill panels, stairwell and emergency exit cladding.



PHOTO: CHRISTOP LACKNER - ARCHITECT: SUDOP PRANA A.S.



PHOTO: CHRISTOP LACKNER - ARCHITECT: SUDOP PRANA A.S.

HPL WALL PANEL - WOOD LOOK

Building elevations are for illustrative purposes only



65%



35%

BRICK 2 COMBINATION OF TWO BRICK TYPES

**Primed for Paint**

**Size Options**

<b>Thickness</b>	0.312"		
<b>Weight</b>	2.40 lbs. per square foot		
<b>Length</b>	144"		
<b>Widths</b>	6.25"	8.25"	12"
<b>Exposures</b>	5"	7"	10.75"
<b>Pcs./Pallet</b>	306	230	152
<b>Widths</b>	5.25"	7.25"	9.25"
<b>Exposures</b>	4"	6"	8"
<b>Pcs./Pallet</b>	360	252	190

CEMENTITIOUS SIDING JAMES HARDIE LAP SIDING COLOR PER ELEVATIONS



**Non-Residential Design Guidelines:**

- Buildings shall be arranged to define, create and activate edges and public spaces.
- Every effort shall be made to locate service and loading areas in the rear of the structures. Where these features are located between the building and a public road, they will be designed in such a way that they do not distract from the character of the development and they will be screened in accordance with the UDO.
- Drive-thru lanes, pick-up windows and other like functions shall be allowable if located facing an adjacent street or drive. Landscaping and/or other architectural features should be used to create screening for these types of uses.
- Elevations of building facing a street shall incorporate detailing in keeping with the character and style of other architectural features.
- Elevations of corner buildings shall utilize design features such as variations in wall plane, variation in building mass and window placement to generate street interest.
- Architectural treatments such as varying roof forms, facade articulation, breaks in roof, walls with texture material and ornamental details as well as landscaping shall be incorporated to add visual interest.
- Differences in roof height, pitch, ridgelines and materials may be used to create visual interest and avoid repetition.

Non-residential exteriors shall incorporate variation in materials. The primary (front) facade of the buildings to be considered may include:

- Brick and/or stone masonry
- Decorative concrete block (integral color or textured)
- Stone accents
- Aluminum storefront with anodized or pre-finished colors
- EIFS cornices and parapet trim
- EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to 25% of each building facade
- Precast concrete
- Roof features may include flat roofs with parapet, hip roofs or awings with metal or canvas material
- Soffit and fascia materials to be considered include EIFS with crown trim elements
- Cementitious siding
- Tile
- Heavy Timber accent elements

Non-residential buildings visible from the public view shall be constructed with compatible materials. Rear elevations of non-residential buildings facing opaque landscape buffers or not visible from vehicular use areas or public rights-of-way may incorporate decorative concrete masonry, metal coping, and EIFS trim.

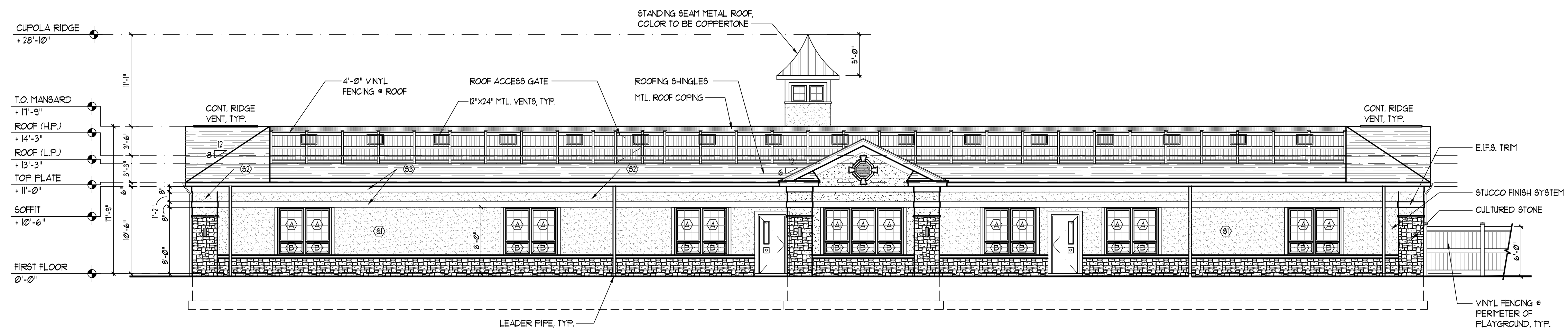
Exterior materials that are not allowed as part of the development are as follows:

- Vinyl siding
- Painted, smooth faced concrete block
- Metal walls

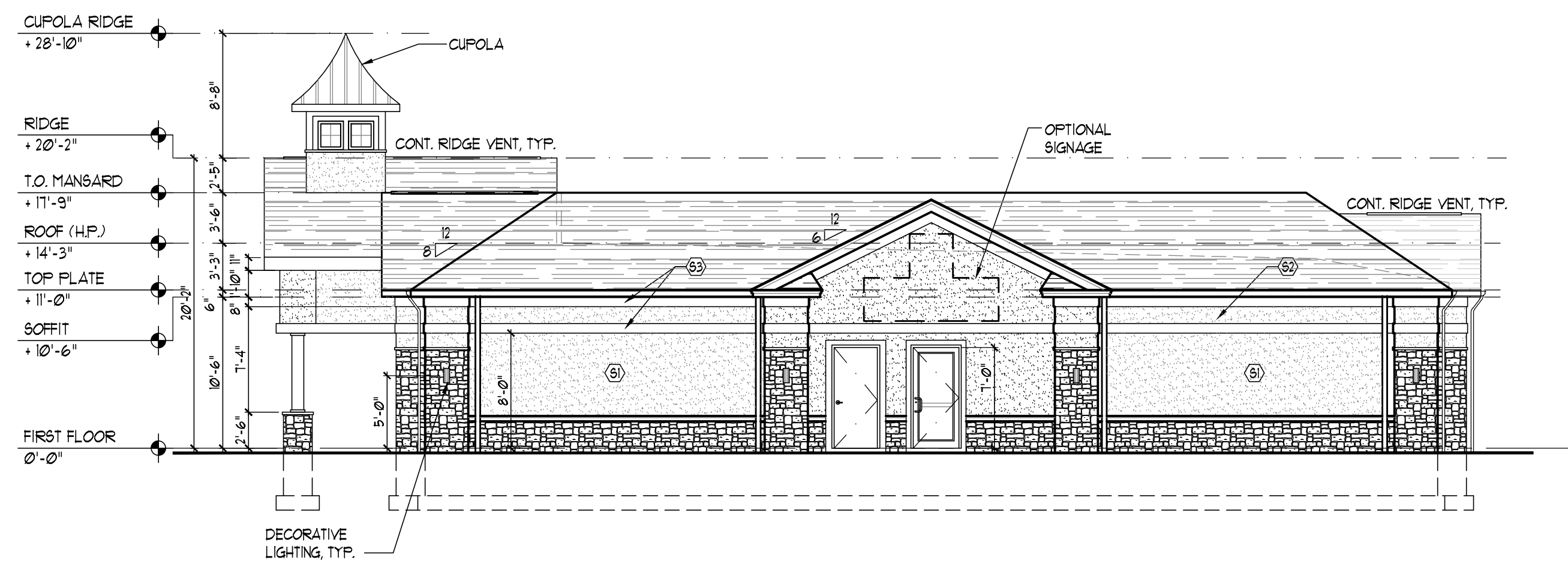




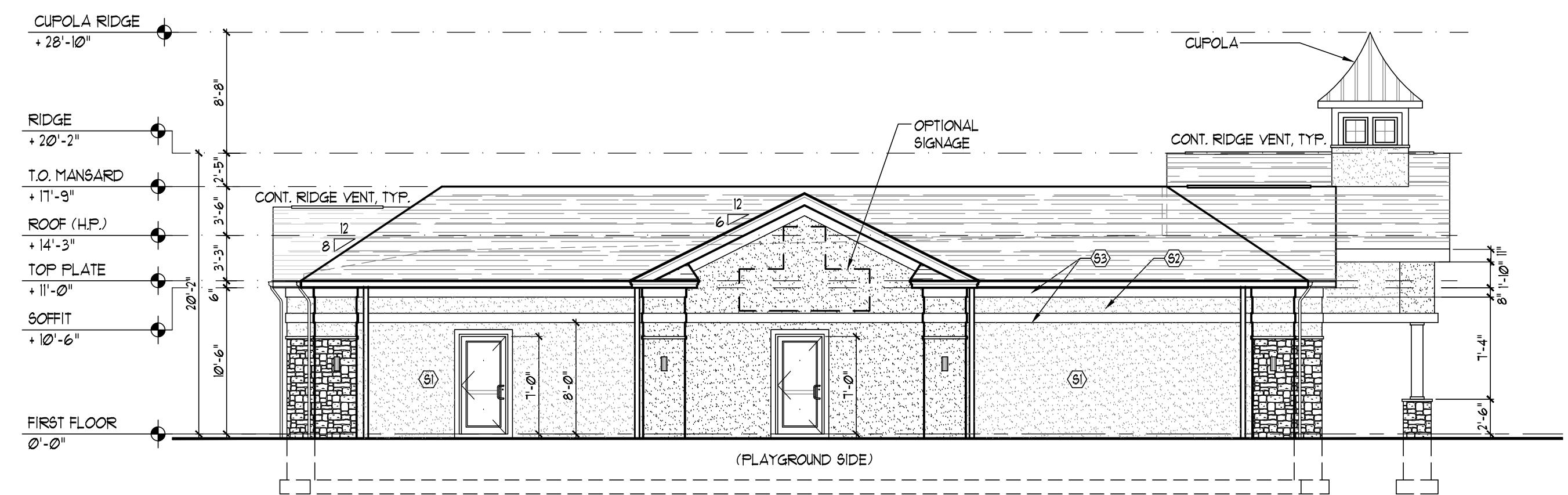
**FRONT ELEVATION**



**REAR ELEVATION**



**RIGHT SIDE ELEVATION**



**LEFT SIDE ELEVATION**

Building Elevations are for illustrative purposes only



STUCCO FINISH SCHEDULE		
DESCRIPTION	COLOR	
⑤1 BODY	10611 MOONLIT SAND	
⑤2 ACCENT	32132 SPECTRAL	
⑤3 TRIM	9433 WHITE	

WINDOW SCHEDULE		
MODEL	SIZE	
④ P2840	2'-8" x 4'-0"	
④ AR3	2'-8" x 1'-5"	
④ CN12	1'-9" x 2'-0 5/8"	

These plans are copyrighted and are subject to copyright protection as an "architectural work" under Sec. 102 of the Copyright Act, 17 U.S.C. as amended December 1990 and known as Architectural Works Copyright Protection Act of 1990.

ARCHITECT OF RECORD:

**J.A. Mihalik | Architect**

373 Route 46 West  
 Building D, Suite 240  
 Fairfield, New Jersey 07004  
 ph: 973-291-3730 fax: 973-291-3740  
 e: jmihalik@jam-arch.com

JUSTIN A. MIHALIK, AIA  
 NJ LIC. # AI 13989  
 NY LIC. # 027468  
 PA LIC. # RA402349  
 CT LIC. # 10431  
 ME LIC. # ARC3180  
 MD LIC. # 17519  
 NC LIC. # 11821  
 FL LIC. # AR 95150  
 VA LIC. # 16368

NOT VALID FOR CONSTRUCTION WITHOUT SEAL

**PRELIMINARY  
 NOT FOR  
 CONSTRUCTION**

Project:

North Carolina  
 11,200 Prototype

Developer:

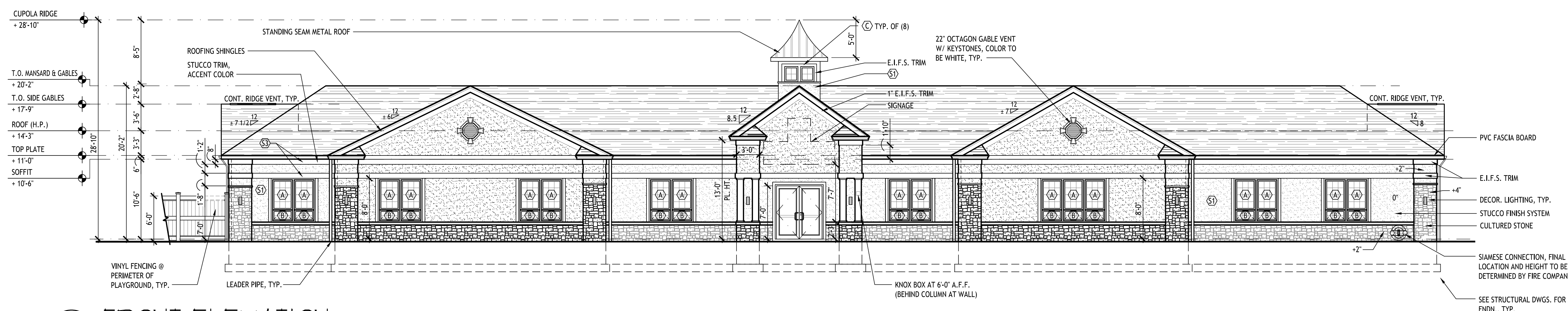
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 BLOCK: -

SHEET TITLE:  
 BUILDING ELEVATIONS  
 SCHEDULES, DETAIL &  
 NOTES

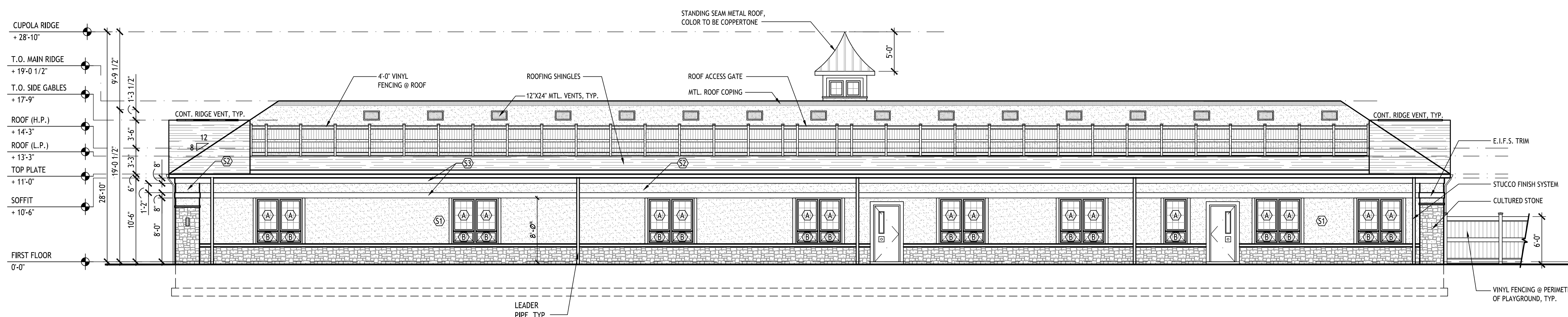
Rev. #	Date	Remarks
05/10/2019		ISSUED TO DEVELOPERS
08/13/2018		ISSUED TO DEVELOPER FOR REFERENCE
08/07/2018		PROTOTYPE CHANGES
04/23/2018		ISSUED FOR REVIEW
09/13/2017		ISSUED FOR REVIEW

JOB NUMBER: NO PROTOTYPE  
 DATE: 09/28/2017  
 DRAWN BY: JAM/CJ/KM  
 CHECKED BY: JAM

SHEET NO.  
**PR-3**

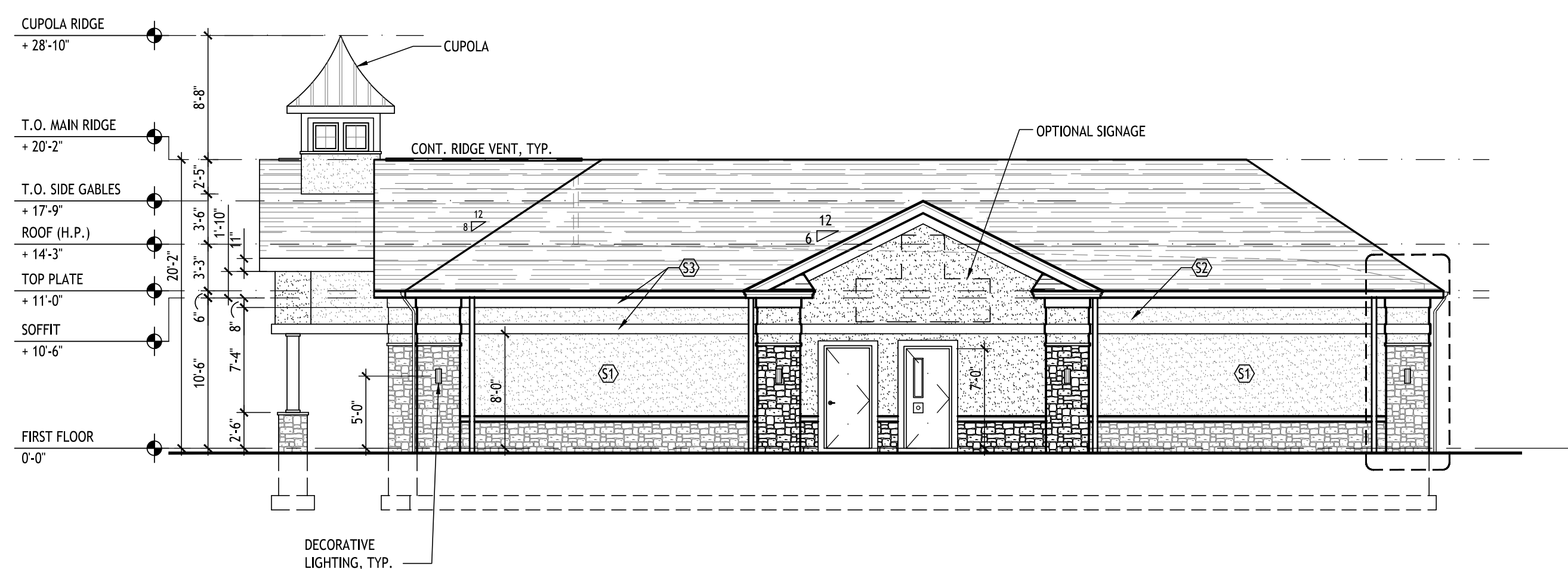


**1 FRONT ELEVATION**  
 SCALE: 1/8" = 1'-0"

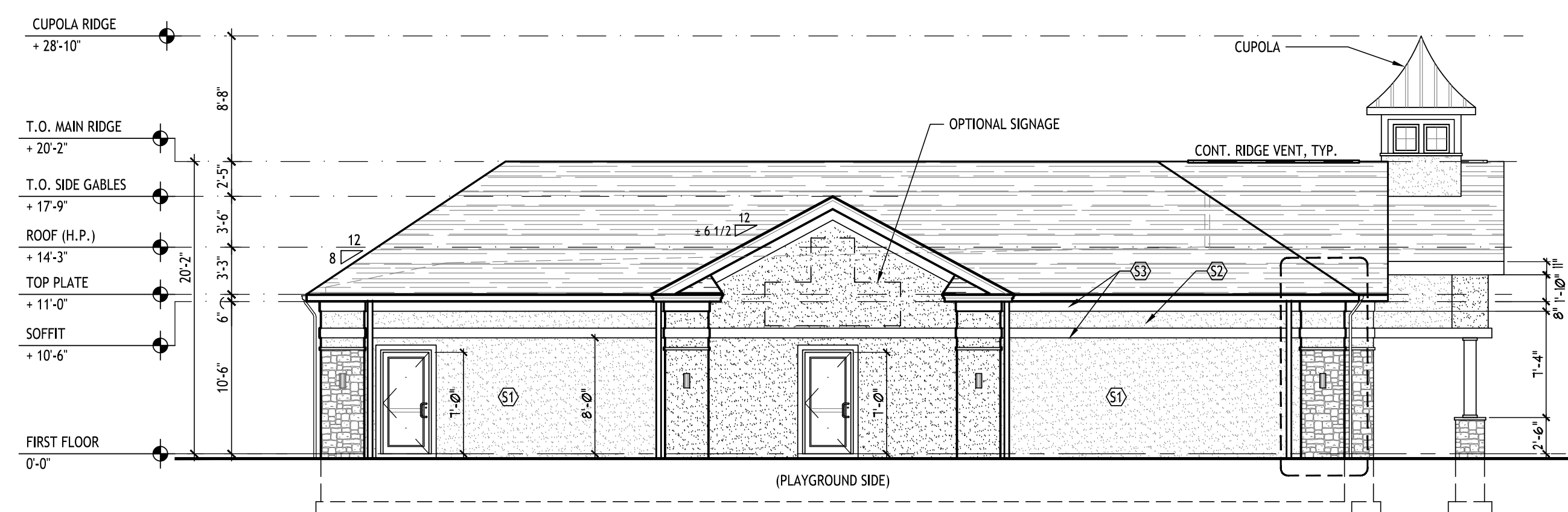


**2 REAR ELEVATION (CORE BANKS ST.)**  
 SCALE: 1/8" = 1'-0"

Building elevations are for illustrative purposes only



**3 RIGHT SIDE ELEVATION**  
 SCALE: 1/8" = 1'-0"



**4 LEFT SIDE ELEVATION (CHANTILCLAIR DR.)**  
 SCALE: 1/8" = 1'-0"

Typical building elevations. Number of units, window configurations, door style, colors, and other architectural standards will vary from townhouse unit to townhouse unit.



Elevations are for  
Illustrative purposes only





Elevations are for  
Illustrative purposes only

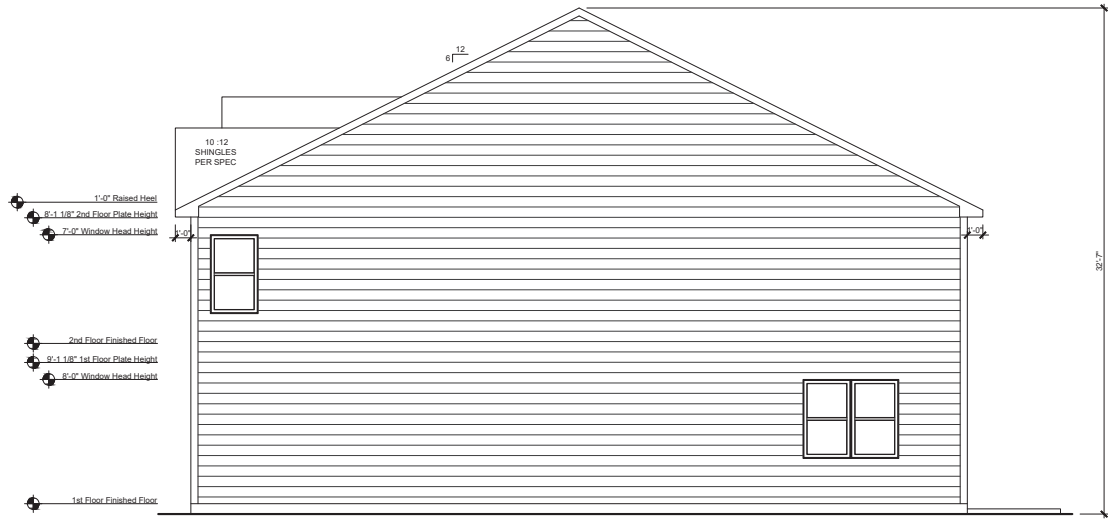


20' NO CAR TH SERIES - SEARS COMMUNITY

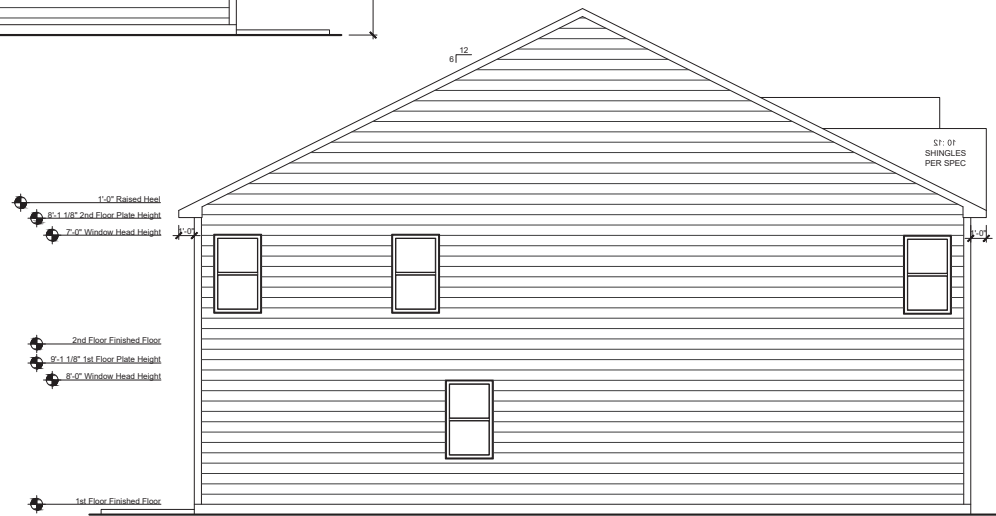
FRONT ELEVATION

SCALE: 1/8" = 1'-0"

DATE: 11-4-2021



RIGHT SIDE



LEFT SIDE

Elevations are for illustrative purposes only



20' NO CAR TH SERIES - SEARS COMMUNITY

SCALE: 1/8" = 1'-0"

SIDE ELEVATIONS

DATE: 11-4-2021

2'-11 1/8" 2nd Floor Plate Height  
7'-0" Window Head Height

2nd Floor Finished Floor  
2'-11 1/8" 1st Floor Plate Height  
6'-0" Window Head Height

1st Floor Finished Floor



32'-7"

Elevations are for  
illustrative purposes only



20' NO CAR TH SERIES - SEARS COMMUNITY

SCALE: 1/8" = 1'-0"

REAR ELEVATION

DATE: 11-4-2021

Typical building elevations. Number of units, window configurations, door style, colors, and other architectural standards will vary from townhouse unit to townhouse unit.



Elevations are for  
Illustrative purposes only



Elevations are for  
Illustrative purposes only



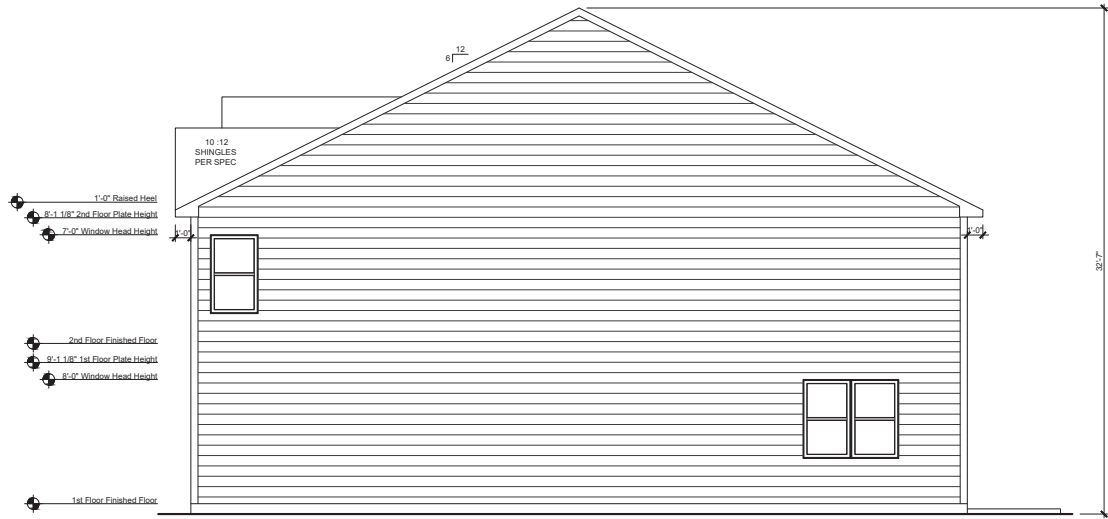
20' NO CAR TH SERIES - SEARS COMMUNITY

FRONT ELEVATION

SCALE: 1/8" = 1'-0"

DATE: 11-4-2021





RIGHT SIDE



LEFT SIDE

Elevations are for illustrative purposes only



20' NO CAR TH SERIES - SEARS COMMUNITY

SCALE: 1/8" = 1'-0"

SIDE ELEVATIONS

DATE: 11-4-2021

2'-11 1/8" 2nd Floor Plate Height  
7'-0" Window Head Height

2nd Floor Finished Floor  
2'-11 1/8" 1st Floor Plate Height  
6'-0" Window Head Height

1st Floor Finished Floor



32'-7"

Elevations are for  
illustrative purposes only

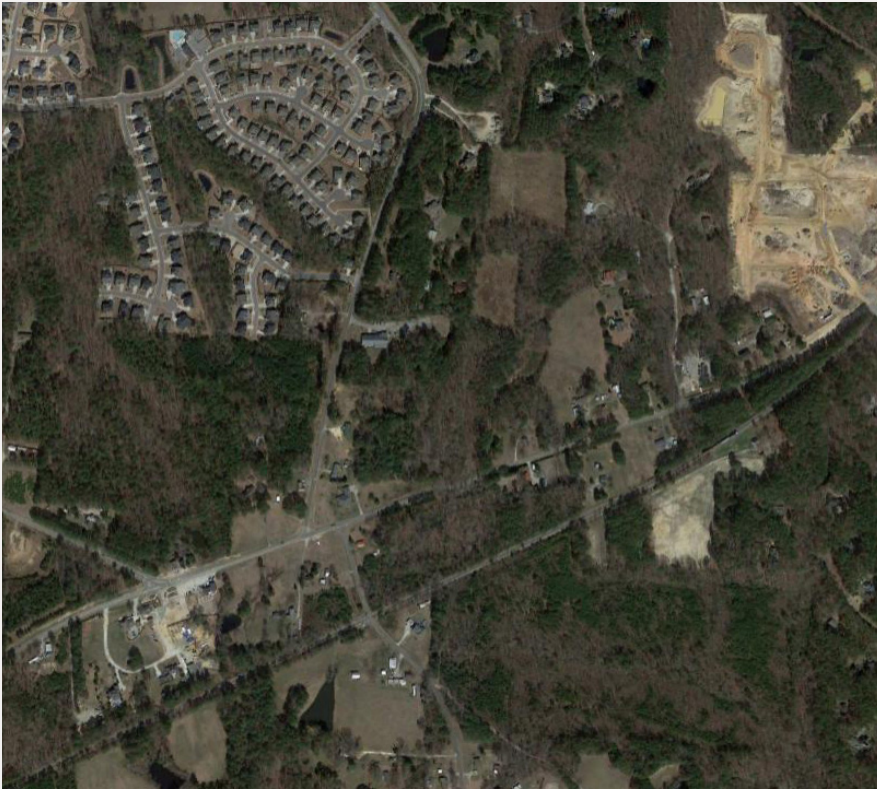


20' NO CAR TH SERIES - SEARS COMMUNITY

SCALE: 1/8" = 1'-0"

REAR ELEVATION

DATE: 11-4-2021



Sears Property  
**Traffic Impact Analysis**  
**Apex, North Carolina**

# TRAFFIC IMPACT ANALYSIS

FOR

## SEARS PROPERTY

LOCATED

IN

**APEX, NC**

Prepared For:  
Beazer Homes - Raleigh Division  
5400 Trinity Road, Suite 313  
Raleigh, NC 27607

Prepared By:  
Ramey Kemp & Associates, Inc.  
5808 Faringdon Place, Suite 100  
Raleigh, NC 27609  
License #C-0910

NOVEMBER 2021



RKA Project No. 21511

Prepared By: DT

Reviewed By: NB

**TRAFFIC IMPACT ANALYSIS**  
**SEARS PROPERTY**  
**APEX, NORTH CAROLINA**

**EXECUTIVE SUMMARY**

**1. Development Overview**

A Traffic Impact Analysis (TIA) was conducted for the proposed Sears Property development in accordance with the Apex (Town) Unified Development Ordinance (UDO) and North Carolina Department of Transportation (NCDOT) capacity analysis guidelines. The proposed development is to be located along Old US Hwy 1, east of Holland Road in Apex, North Carolina. The proposed development is expected to consist of 160 townhomes and an approximately 11,000 square foot (s.f.) day care center to be built out by 2026. Site access is proposed via one (1) right-in/right-out driveway and one (1) full-movement driveway along Old US Hwy 1.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2021 Existing Traffic Conditions
- 2026 No-Build Traffic Conditions
- 2026 Build Traffic Conditions

**2. Existing Traffic Conditions**

The study area for the TIA was determined through coordination with the Town and NCDOT and consists of the following existing intersections:

- Humie Olive Road and Old US Hwy 1
- Old US Hwy 1 and Holland Road
- Old US Hwy 1 and Friendship Road

Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersections listed below, in September 2021 during a typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods, while schools were in session for in-person learning:



- Humie Olive Road and Old US Hwy 1
- Old US Hwy 1 and Holland Road
- Old US Hwy 1 and Friendship Road

Weekday AM and PM traffic volumes were balanced between study intersections, where appropriate.

**3. Site Trip Generation**

The proposed development is assumed to consist of 160 townhomes and an approximately 11,000 s.f. day care center. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the *ITE Trip Generation Manual*, 10<sup>th</sup> Edition. Table E-1 provides a summary of the trip generation potential for the site.

**Table E-1: Site Trip Generation**

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Multifamily Housing (Low-Rise) (220)	160 units	1,170	17	58	57	33
Daycare Center (565)	11,000 s.f.	520	64	57	57	65
<b>Total Trips</b>		<b>1,690</b>	<b>81</b>	<b>115</b>	<b>114</b>	<b>98</b>

**4. Future Traffic Conditions**

Through coordination with the Town and NCDOT, it was determined that an annual growth rate of 4% would be used to generate 2026 projected weekday AM and PM peak hour traffic volumes.

The following adjacent developments were identified to be considered under future conditions:

- Evans Road Assemblage
- E-41 (Apex Friendship Elementary) - AM only
- Pleasant Park - Phase 1 - PM only

## 5. Capacity Analysis Summary

The analysis considered weekday AM and PM peak hour traffic for 2021 existing, 2026 no-build, and 2026 build conditions. Refer to Section 7 of the TIA for the capacity analysis summary performed at each study intersection.

## 6. Recommendations

Based on the findings of this study, specific geometric and traffic control improvements have been identified at study intersections. The improvements are summarized below and are illustrated in Figure E-1.

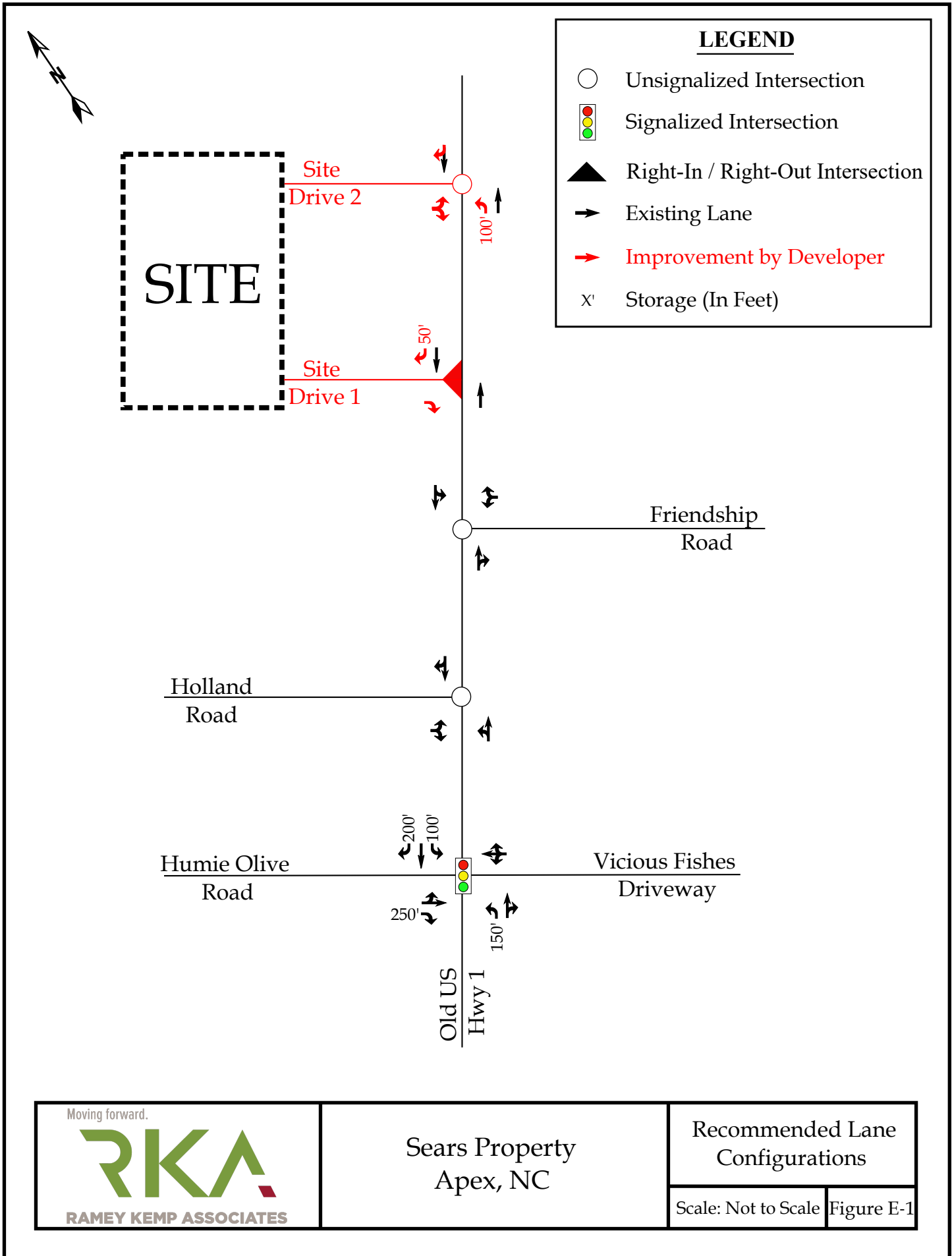
### Recommended Improvements by Developer

#### Old US Hwy 1 and Site Drive 1

- Construct the southbound approach with one (1) ingress lane and one (1) egress lane striped as a right-in/right-out.
- Provide stop-control for the southbound approach.
- Provide an exclusive westbound right-turn lane with a minimum of 50 feet of storage with appropriate deceleration and taper length.

#### Old US Hwy 1 and Site Drive 2

- Construct the southbound approach with one (1) ingress lane and one (1) egress lane.
- Provide stop-control for the southbound approach.
- Provide an exclusive eastbound left-turn lane with a minimum of 100 feet of storage with appropriate deceleration and taper length.



**TABLE OF CONTENTS**

**1. INTRODUCTION ..... 1**

1.1. Site Location and Study Area..... 1

1.2. Proposed Land Use and Site Access ..... 2

1.3. Adjacent Land Uses ..... 2

1.4. Existing Roadways ..... 2

**2. 2021 EXISTING PEAK HOUR CONDITIONS ..... 7**

2.1. 2021 Existing Peak Hour Traffic Volumes ..... 7

2.2. Analysis of 2021 Existing Peak Hour Traffic Conditions..... 7

**3. 2026 NO-BUILD PEAK HOUR CONDITIONS ..... 9**

3.1. Ambient Traffic Growth ..... 9

3.2. Adjacent Development Traffic ..... 9

3.3. Future Roadway Improvements ..... 11

3.4. 2026 No-Build Peak Hour Traffic Volumes ..... 11

3.5. Analysis of 2026 No-Build Peak Hour Traffic Conditions..... 11

**4. SITE TRIP GENERATION AND DISTRIBUTION ..... 15**

4.1. Trip Generation..... 15

4.2. Site Trip Distribution and Assignment ..... 15

**5. 2026 BUILD TRAFFIC CONDITIONS ..... 22**

5.1. 2026 Build Peak Hour Traffic Volumes ..... 22

5.2. Analysis of 2026 Build Peak Hour Traffic Conditions ..... 22

**6. TRAFFIC ANALYSIS PROCEDURE ..... 24**

6.1. Adjustments to Analysis Guidelines ..... 24

**7. CAPACITY ANALYSIS ..... 25**

7.1. Humie Olive Road and Old US Hwy 1 ..... 25

7.2. Old US Hwy 1 and Holland Road ..... 27

7.3. Old US Hwy 1 and Friendship Road..... 30

7.4. Old US Hwy 1 and Site Drive 1 ..... 33

7.5. Old US Hwy 1 and Site Drive 2 ..... 34

**8. CONCLUSIONS ..... 36**

**9. RECOMMENDATIONS..... 42**

**LIST OF FIGURES**

Figure 1 – Site Location Map..... 4

Figure 2 – Preliminary Site Plan..... 5

Figure 3 – Existing Lane Configurations ..... 6

Figure 4 – 2021 Existing Peak Hour Traffic..... 8

Figure 5 – 2026 Projected Peak Hour Traffic .....12

Figure 6 – Adjacent Development Trips .....13

Figure 7 – 2026 No-Build Peak Hour Traffic.....14

Figure 8a – Residential Site Trip Distribution .....17

Figure 8b – Daycare Site Trip Distribution .....18

Figure 9a – Residential Site Trip Assignment.....19

Figure 9b – Daycare Site Trip Assignment .....20

Figure 10 – Total Site Trip Assignment.....21

Figure 11 – 2026 Build Peak Hour Traffic.....23

Figure 12 – Recommended Lane Configurations .....43

**LIST OF TABLES**

Table 1: Existing Roadway Inventory ..... 3

Table 2: Adjacent Development Information.....10

Table 3: Trip Generation Summary ..... 15

Table 4: Highway Capacity Manual – Levels-of-Service and Delay .....24

Table 5: Analysis Summary of Humie Olive Road and US Hwy 1 .....25

Table 6: Analysis Summary of Old US Hwy 1 and Holland Road .....27

Table 7: Analysis Summary of Old US Hwy 1 and Friendship Road .....30

Table 8: Analysis Summary of Old US Hwy 1 and Site Drive 1 .....33

Table 9: Analysis Summary of Old US Hwy 1 and Site Drive 2 .....34

**TECHNICAL APPENDIX**

Appendix A:	Memorandum of Understanding (MOU)
Appendix B:	Traffic Counts
Appendix C:	Signal Plans
Appendix D:	Adjacent Development Information
Appendix E:	Capacity Calculations - Humie Olive Road and Old US Hwy 1
Appendix F:	Capacity Calculations - Old US Hwy 1 and Holland Road
Appendix G:	Capacity Calculations - Old US Hwy 1 and Friendship Road
Appendix H:	Capacity Calculations - Old US Hwy 1 and Site Drive 1
Appendix I:	Capacity Calculations - Old US Hwy 1 and Site Drive 2
Appendix J:	SimTraffic Queuing Reports



**TRAFFIC IMPACT ANALYSIS**  
**SEARS PROPERTY**  
**APEX, NORTH CAROLINA**

**1. INTRODUCTION**

The contents of this report present the findings of the Traffic Impact Analysis (TIA) conducted for the proposed Sears Property to be located along Old US Hwy 1, east of Holland Road in Apex, North Carolina. The purpose of this study is to determine the potential impacts to the surrounding transportation system created by traffic generated by the proposed development, as well as recommend improvements to mitigate the impacts.

The proposed development, anticipated to be completed by 2026, is assumed to consist of the following uses:

- 160 townhomes
- 11,000 square foot (s.f.) day care center

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2021 Existing Traffic Conditions
- 2026 No-Build Traffic Conditions
- 2026 Build Traffic Conditions

**1.1. Site Location and Study Area**

The development is proposed to be located along Old US Hwy 1, east of Holland Road in Apex, North Carolina. Refer to Figure 1 for the site location map.

The study area for the TIA was determined through coordination with the North Carolina Department of Transportation (NCDOT) and the Town of Apex (Town) and consists of the following existing intersections:

- Humie Olive Road and Old US Hwy 1
- Old US Hwy 1 and Holland Road
- Old US Hwy 1 and Friendship Road

Refer to Appendix A for the approved memorandum of understanding (MOU).

### **1.2. Proposed Land Use and Site Access**

The site is expected to be located along Old US Hwy 1, east of Holland Road. The proposed development, anticipated to be completed by 2026, is assumed to consist of the following uses:

- 160 townhomes
- 11,000 s.f. day care center

Site access is proposed via one (1) right-in/right-out driveway and one (1) full-movement driveway along Old US Hwy 1. Refer to Figure 2 for a copy of the preliminary site plan.

### **1.3. Adjacent Land Uses**

The proposed development is located in an area consisting primarily of undeveloped land and residential development. There is a middle school and high school campus located along Humie Olive Road, west of the study area, with an elementary school under construction within this campus as well.

### **1.4. Existing Roadways**

Existing lane configurations (number of traffic lanes on each intersection approach), speed limits, storage capacities, and other intersection and roadway information within the study area are shown in Figure 3. Table 1, on the following page, provides a summary of this information, as well.




**Table 1: Existing Roadway Inventory**

<b>Road Name</b>	<b>Route Number</b>	<b>Typical Cross Section</b>	<b>Speed Limit</b>	<b>Maintained By</b>	<b>2019 AADT (vpd)</b>
Humie Olive Road	SR 1142	2-lane undivided	45 mph	NCDOT	6,700*
Old US Hwy 1	SR 1011	2-lane undivided	55 mph	NCDOT	9,300
Holland Road	SR 1187	2-lane undivided	35 mph (assumed)	NCDOT	1,360*
Friendship Road	SR 1149	2-lane undivided	45 mph	NCDOT	2,630*

\*ADT based on the traffic counts from 2021 and assuming the weekday PM peak hour volume is 10% of the average daily traffic.



**LEGEND**

-  Proposed Site Location
-  Study Intersection
-  Study Area

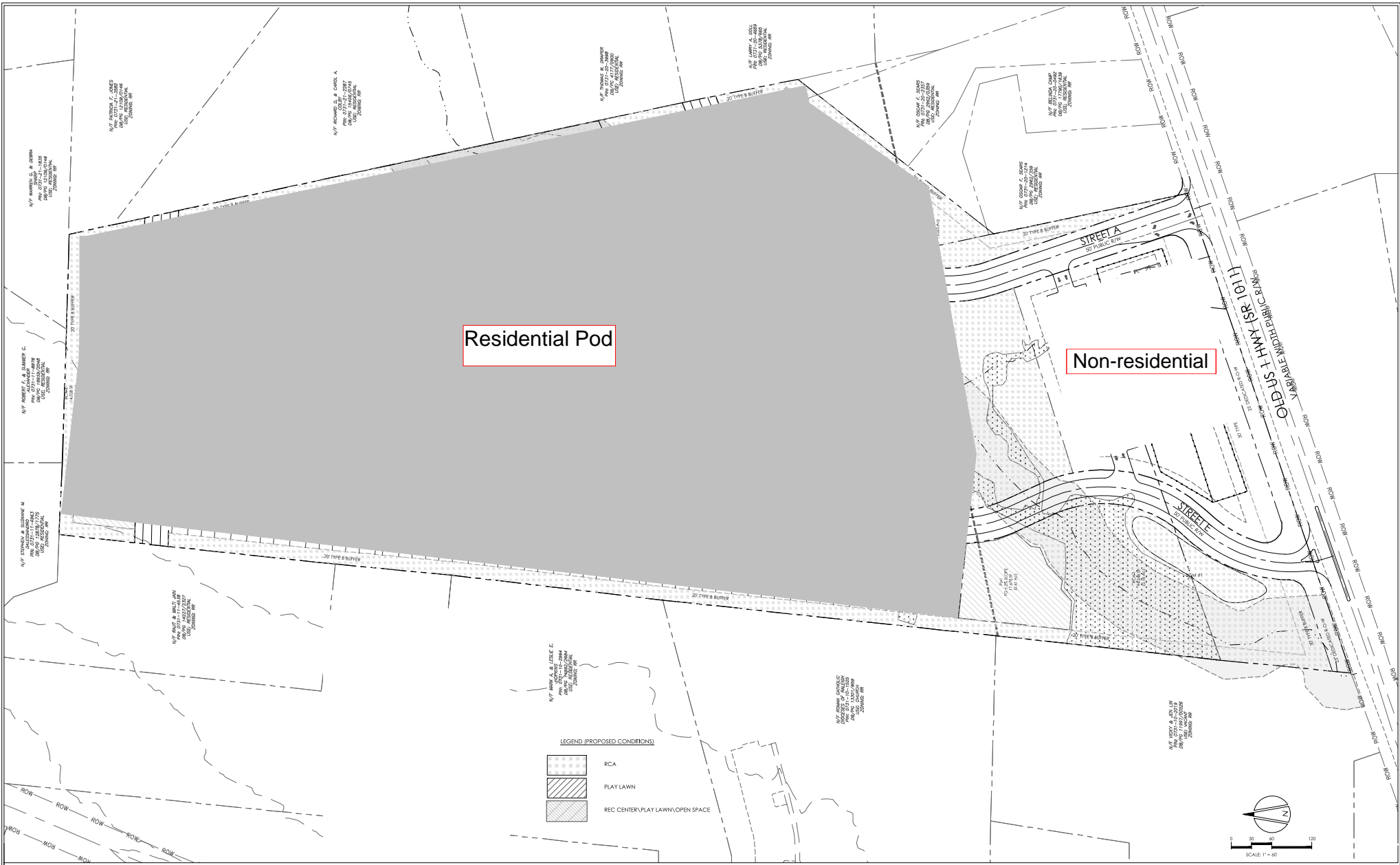
Moving forward.



Sears Property  
Apex, NC

Site Location Map

Scale: Not to Scale | Figure 1



Residential Pod

Non-residential

LEGEND (PROPOSED CONDITIONS)

-  RCA
-  PLAY LAWN
-  REC CENTER, PLAY LAWN, OPEN SPACE


Designer: JE Scale: 1" = 60'  
 Drawn By: JE Date: 7/16/2021  
 Checked By: JR Job No.: 190203

2012 OLD US 1 HIGHWAY  
 APEX, NORTH CAROLINA

SKETCH PLAN 5 FOR  
 SEARS PROPERTY

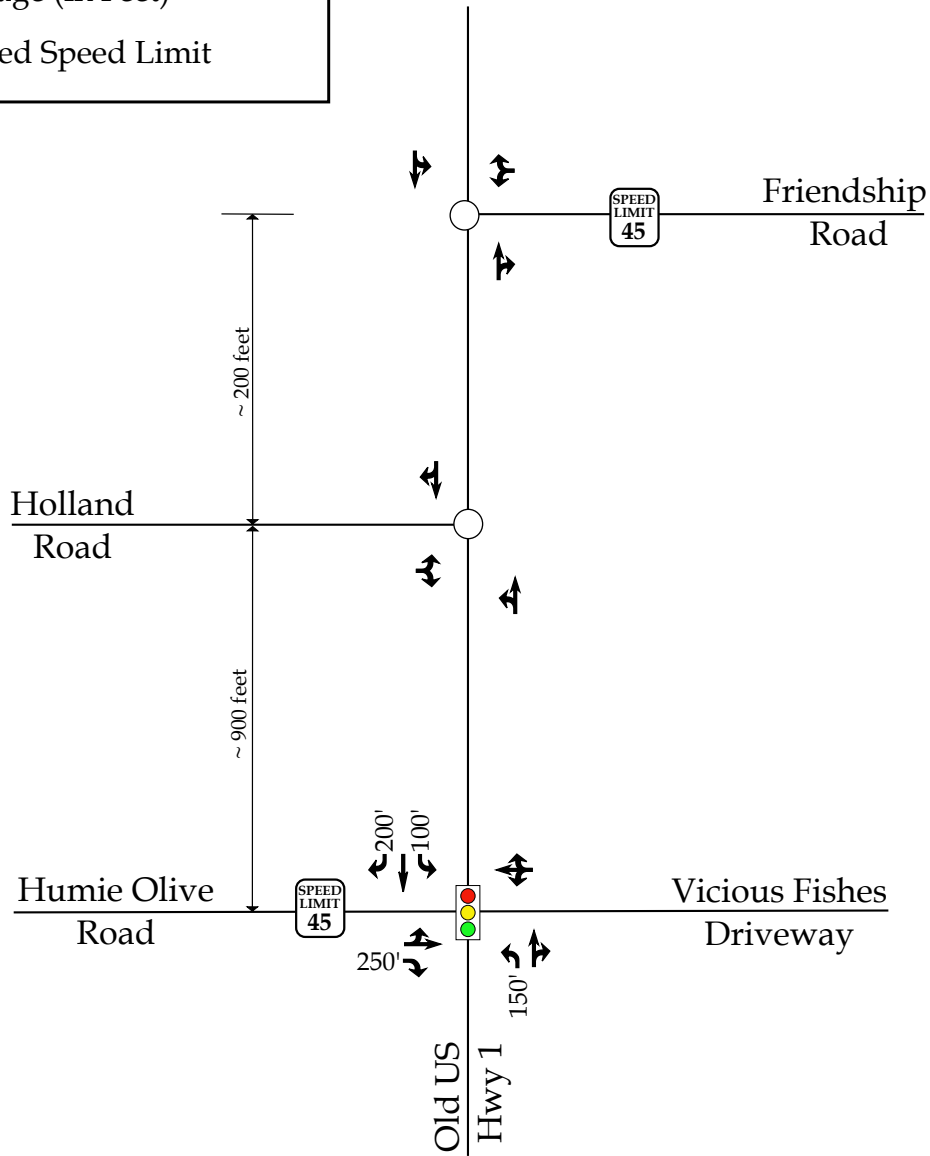
**PEAK** Engineering & Design  
 1125 Apex Parkway | Apex, NC 27502  
 PH: 919.439.0100  
 www.PeakEngineering.com

Sheet No.  
**SP-5**



**LEGEND**

- Unsignalized Intersection
- 🚦 Signalized Intersection
- ➔ Existing Lane
- x' Storage (In Feet)
- 🚫  
SPEED LIMIT XX Posted Speed Limit



Moving forward.

**RKA**

RAMEY KEMP ASSOCIATES

Sears Property  
Apex, NC

2021 Existing  
Lane Configurations

Scale: Not to Scale | Figure 3



## **2. 2021 EXISTING PEAK HOUR CONDITIONS**

### **2.1. 2021 Existing Peak Hour Traffic Volumes**

Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersections listed below, in September 2021 during a typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods, while schools were in session for in-person learning:

- Humie Olive Road and Old US Hwy 1
- Old US Hwy 1 and Holland Road
- Old US Hwy 1 and Friendship Road

Weekday AM and PM traffic volumes were balanced between study intersections, where appropriate. Refer to Figure 4 for 2021 existing weekday AM and PM peak hour traffic volumes. A copy of the count data is located in Appendix B of this report.

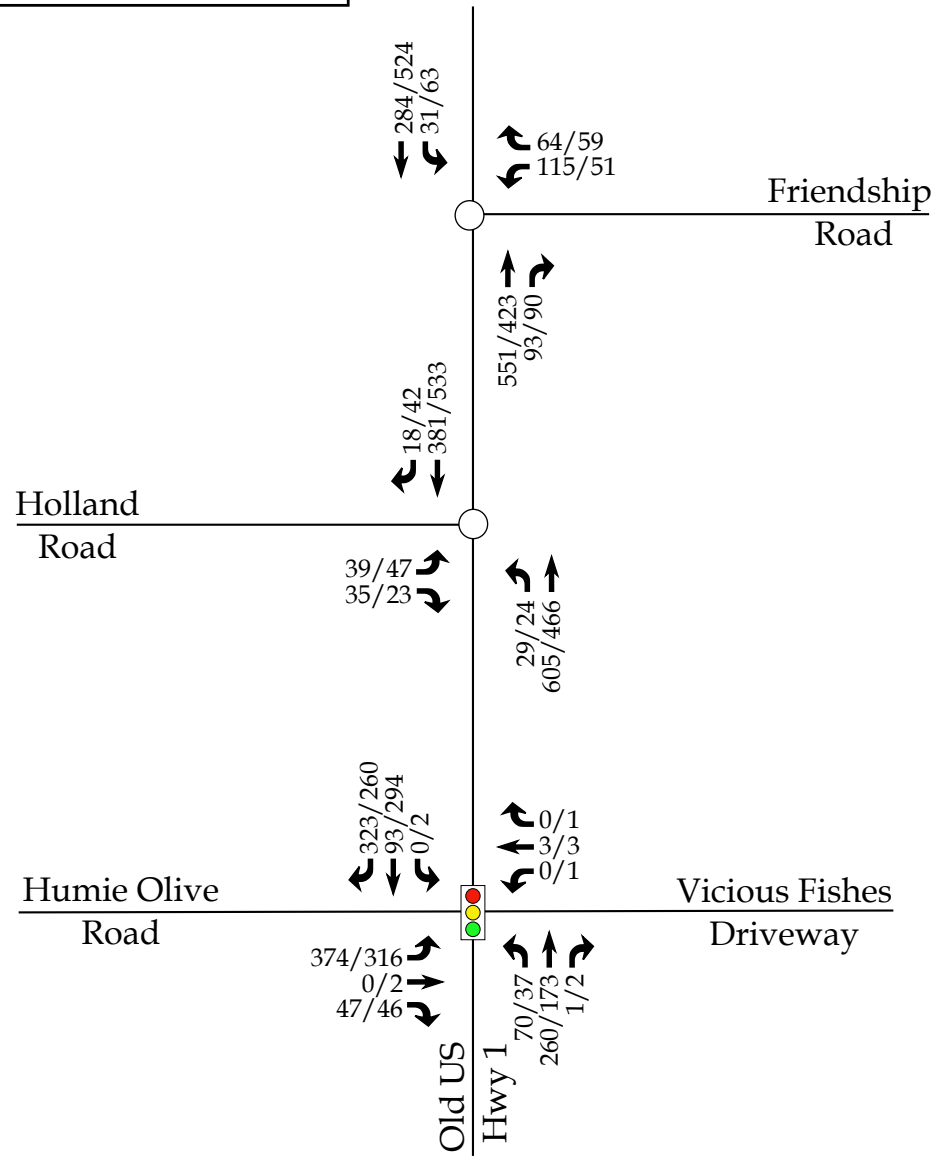
### **2.2. Analysis of 2021 Existing Peak Hour Traffic Conditions**

The 2021 existing weekday AM and PM peak hour traffic volumes were analyzed to determine the current levels of service at the study intersections under existing roadway conditions. Signal information was obtained from NCDOT and is included in Appendix C. The results of the analysis are presented in Section 7 of this report.



**LEGEND**

- Unsignalized Intersection
- 🚦 Signalized Intersection
- X / Y → Weekday AM / PM Peak Hour Traffic



Moving forward.

**RKA**  
RAMEY KEMP ASSOCIATES

Sears Property  
Apex, NC

2021 Existing  
Peak Hour Traffic

Scale: Not to Scale    Figure 4

### **3. 2026 NO-BUILD PEAK HOUR CONDITIONS**

In order to account for growth of traffic and subsequent traffic conditions at a future year, no-build traffic projections are needed. No-build traffic is the component of traffic due to the growth of the community and surrounding area that is anticipated to occur regardless of whether or not the proposed development is constructed. No-build traffic is comprised of existing traffic growth within the study area and additional traffic created as a result of adjacent approved developments.

#### **3.1. Ambient Traffic Growth**

Through coordination with the Town and NCDOT, it was determined that an annual growth rate of 4% would be used to generate 2026 projected weekday AM and PM peak hour traffic volumes. Refer to Figure 5 for 2026 projected peak hour traffic.

#### **3.2. Adjacent Development Traffic**

Through coordination with the Town and NCDOT, the following adjacent developments were identified to be included as an approved adjacent development in this study:

- Evans Road Assemblage
- E-41 (Apex Friendship Elementary) - AM only
- Pleasant Park - Phase 1 - PM only

Table 2, on the following page, provides a summary of the adjacent developments.

**Table 2: Adjacent Development Information**

<b>Development Name</b>	<b>Location</b>	<b>Build-Out Year</b>	<b>Land Use / Intensity</b>	<b>TIA Performed</b>
Evans Road Assemblage	North of Humie Olive Road, east of Evans Road	2025	50 townhomes 65 single-family homes	August 2021 by RKA
E-41 (Apex Friendship Elementary)	South of Humie Olive Road on Apex Friendship Campus	2022	800-student public elementary school	August 2020 by RKA
Pleasant Park - Phase 1	South of Old US 1 and west of NC 540	2020	4 baseball/softball fields, 3 tennis courts, 6 soccer fields, 2 basketball courts, 3 pickle ball courts, 1 sand volleyball court, cross country route, and picnic areas.	January 2018 by VHB

It should be noted that the adjacent developments were approved, during scoping, by the Town and NCDOT. Only weekday AM peak hour site trips were included in this study for the elementary school located on the Apex Friendship campus since the school PM peak period (2:00 - 4:00 PM) studied in the school TIAs differs from the weekday PM peak period (4:00 - 6:00 PM) for the proposed development. It should be noted that the use of the elementary school trips during the same peak hour is expected to present a conservative estimate of the future traffic volumes as these trips are typically spread out between 6:30 AM - 9:00 AM. The TIA performed for the Pleasant Park development studied the weekday PM peak hour and the Saturday midday peak hour; therefore, only the weekday PM peak hour trips were included in this study. The Pleasant Park TIA recommended an exclusive westbound left-turn lane and an exclusive northbound left-turn lane at the intersection of Old US Highway 1 and Friendship Road. Per coordination with the Town, it was determined that these future roadway improvements would not be analyzed under future conditions due to the uncertainty of when these improvements are proposed to be built out. Adjacent development trips are shown in Figure 6. Adjacent development information can be found in Appendix D.



### **3.3. Future Roadway Improvements**

Based on coordination with the NCDOT and the Town, it was determined there were no future roadway improvements to consider with this study.

### **3.4. 2026 No-Build Peak Hour Traffic Volumes**

The 2026 no-build traffic volumes were determined by projecting the 2021 existing peak hour traffic to the year 2026 and adding the adjacent development trips. Refer to Figure 7 for an illustration of the 2026 no-build peak hour traffic volumes at the study intersections.

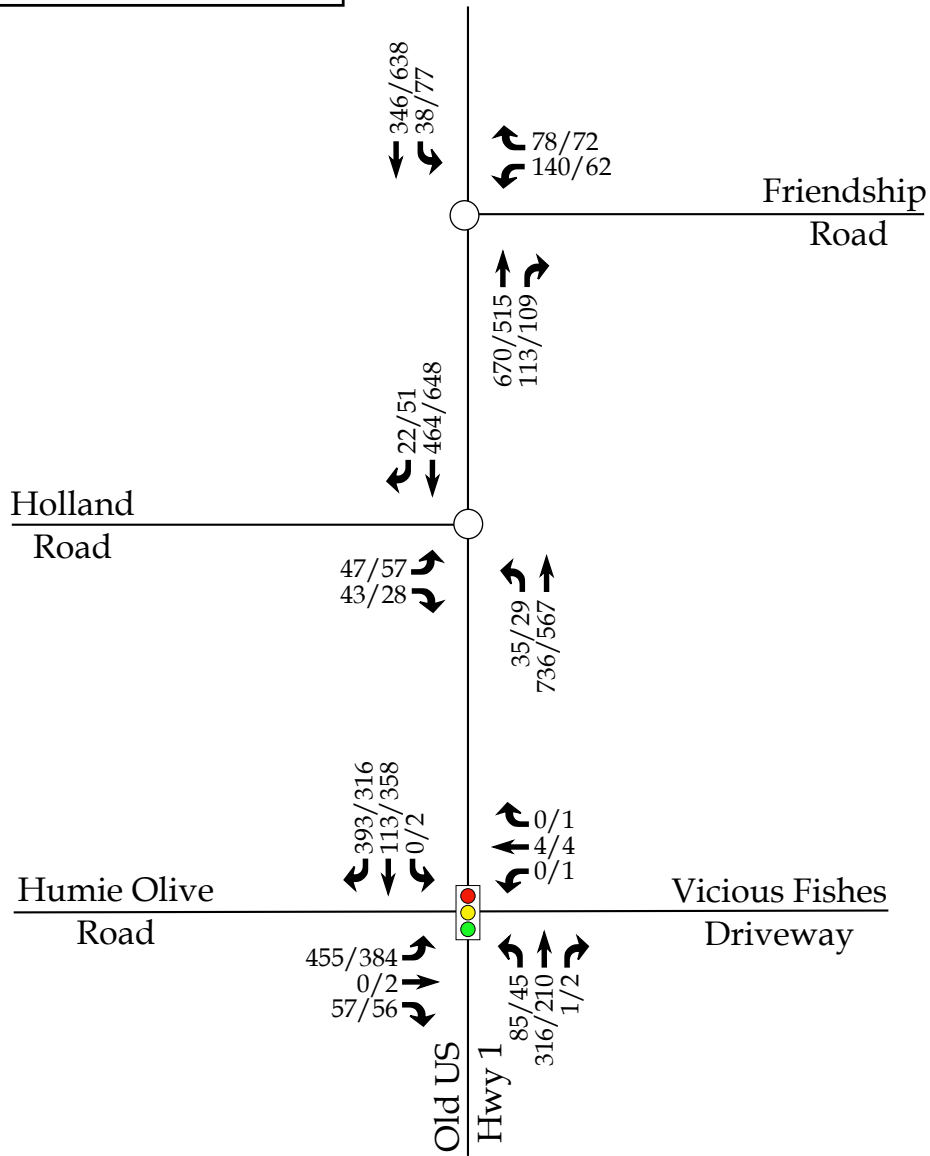
### **3.5. Analysis of 2026 No-Build Peak Hour Traffic Conditions**

The 2026 no-build AM and PM peak hour traffic volumes at the study intersections were analyzed with future geometric roadway conditions and traffic control. The analysis results are presented in Section 7 of this report.



**LEGEND**

- Unsignalized Intersection
- 🚦 Signalized Intersection
- X / Y → Weekday AM / PM Peak Hour Traffic



Moving forward.

**RKA**  
RAMEY KEMP ASSOCIATES

Sears Property  
Apex, NC

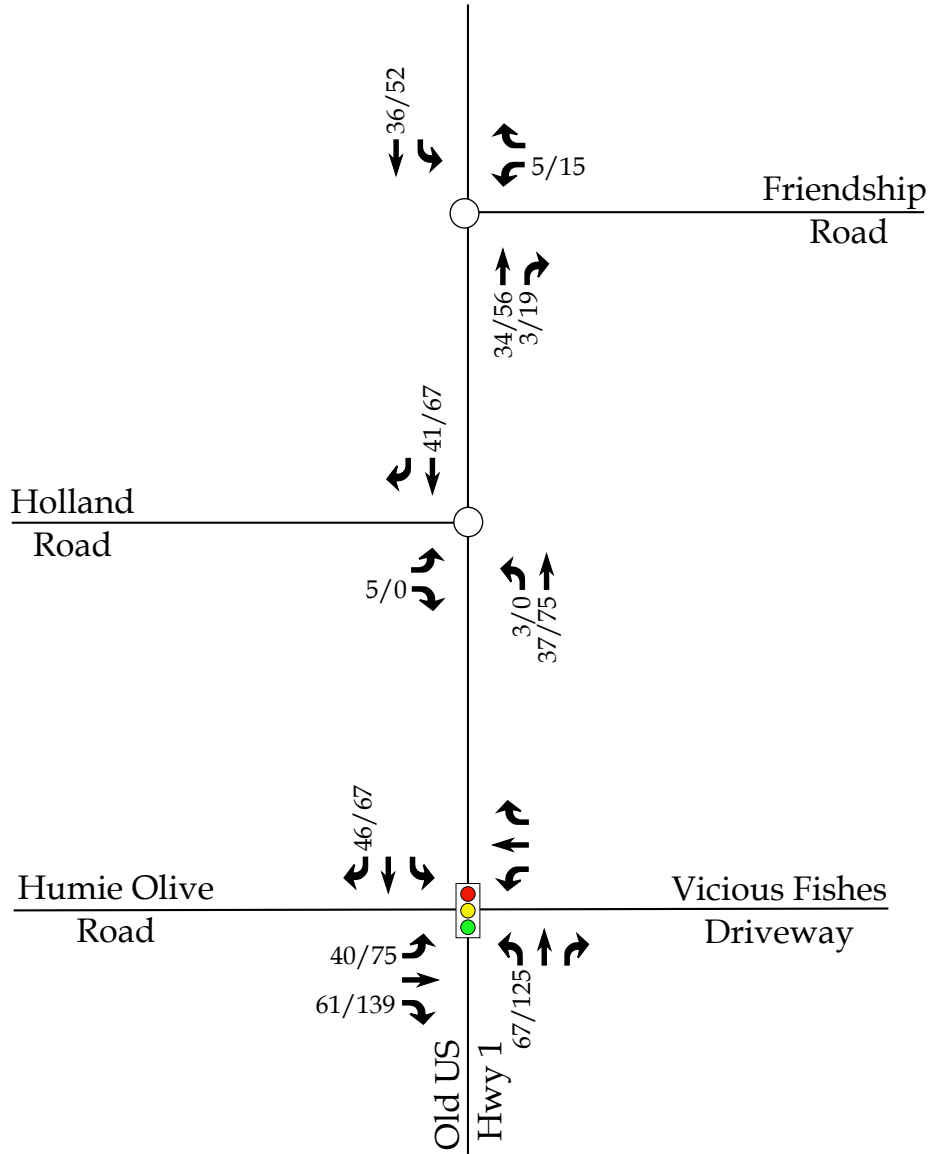
2026 Projected  
Peak Hour Traffic

Scale: Not to Scale | Figure 5



**LEGEND**

- Unsignalized Intersection
- 🚦 Signalized Intersection
- X / Y → Weekday AM / PM Peak Hour Adjacent Development Trips

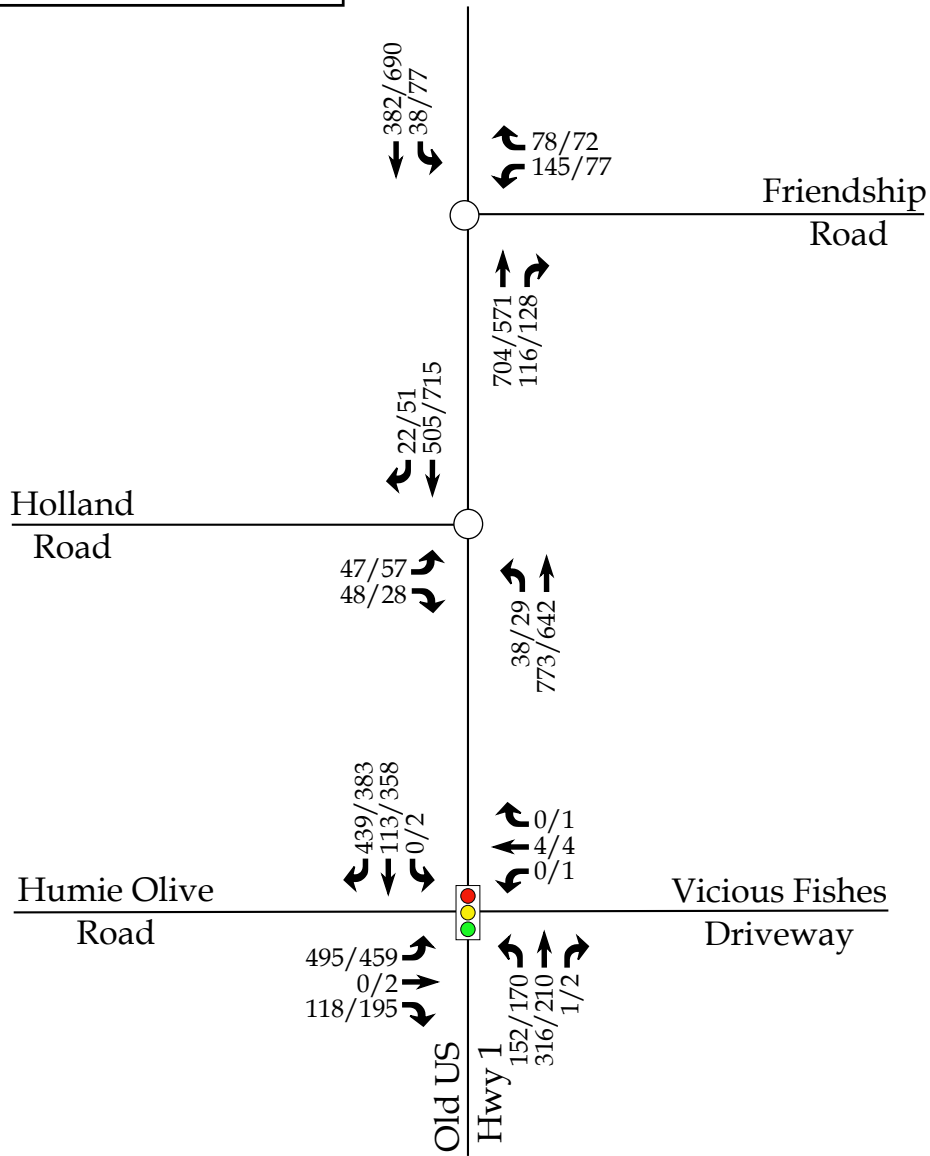


<p>Moving forward.</p> <p><b>RKA</b></p> <p>RAMEY KEMP ASSOCIATES</p>	<p>Sears Property Apex, NC</p>	<p>Peak Hour Adjacent Development Trips</p>	
		<p>Scale: Not to Scale</p>	<p>Figure 6</p>



**LEGEND**

- Unsignalized Intersection
- 🚦 Signalized Intersection
- X / Y → Weekday AM / PM Peak Hour Traffic



<p>Moving forward.</p> <p><b>RKA</b></p> <p>RAMEY KEMP ASSOCIATES</p>	<p>Sears Property Apex, NC</p>	<p>2026 No-Build Peak Hour Traffic</p>	
		<p>Scale: Not to Scale</p>	<p>Figure 7</p>



Moving forward.

**4. SITE TRIP GENERATION AND DISTRIBUTION**

**4.1. Trip Generation**

The proposed development is assumed to consist of 160 townhomes and an 11,000 s.f. daycare center. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 10th Edition. Table 3 provides a summary of the trip generation potential for the site.

**Table 3: Trip Generation Summary**

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Multifamily Housing (Low-Rise) (220)	160 units	1,170	17	58	57	33
Daycare Center (565)	11,000 s.f.	520	64	57	57	65
<b>Total Trips</b>		<b>1,690</b>	<b>81</b>	<b>115</b>	<b>114</b>	<b>98</b>

It is estimated that the proposed development will generate approximately 1,690 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 196 trips (81 entering and 115 exiting) will occur during the weekday AM peak hour and 212 trips (114 entering and 98 exiting) will occur during the weekday PM peak hour. It should be noted that the proposed development is anticipated to be below the typical threshold for NCDOT to require a TIA (3,000 trips per day); however, a copy of the TIA will be provided to NCDOT for courtesy review.

**4.2. Site Trip Distribution and Assignment**

Trip distribution percentages used in assigning site traffic for this development were estimated based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment.

It is estimated that the residential site trips will be regionally distributed as follows:

- 75% to/from the north via Old US Hwy 1

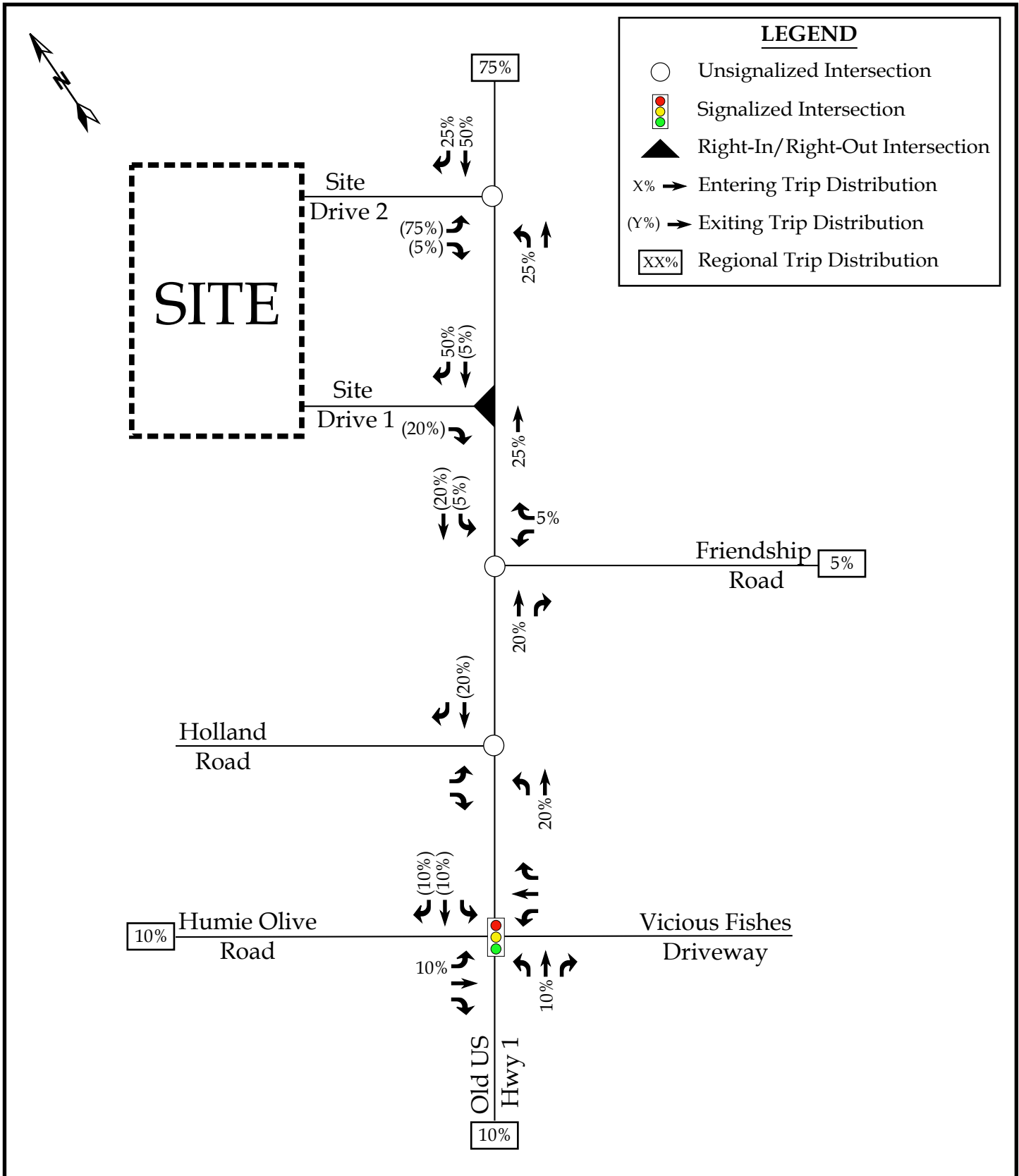
Moving forward.


- 10% to/from the south via Old US Hwy 1
- 10% to/from the west via Humie Olive Road
- 5% to/from the east via Friendship Road

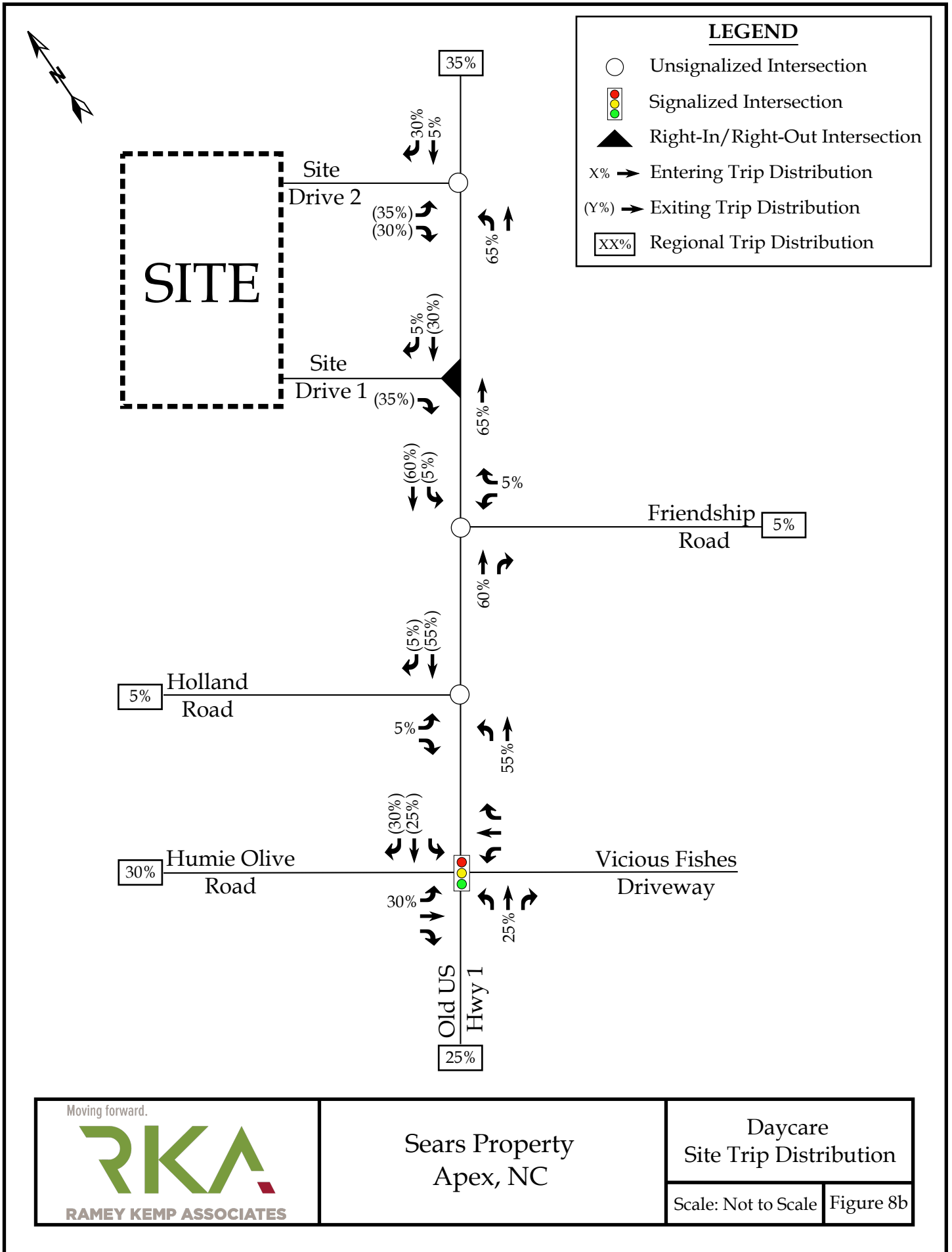
It is estimated that the daycare center site trips will be regionally distributed as follows:

- 35% to/from the north via Old US Hwy 1
- 25% to/from the south via Old US Hwy 1
- 30% to/from the west via Humie Olive Road
- 5% to/from the west via Holland Road
- 5% to/from the east via Friendship Road

The residential site trip distribution is shown in Figure 8a, and the daycare site trip distribution is shown in Figure 8b. Refer to Figure 9a for the residential site trip assignment and Figure 9b for the daycare site trip assignment. The total site trip assignment is shown in Figure 10.



<p>Moving forward.</p>  <p><b>RKA</b></p> <p>RAMEY KEMP ASSOCIATES</p>	<p>Sears Property Apex, NC</p>	<p>Residential Site Trip Distribution</p>	
		<p>Scale: Not to Scale</p>	<p>Figure 8a</p>



Moving forward.

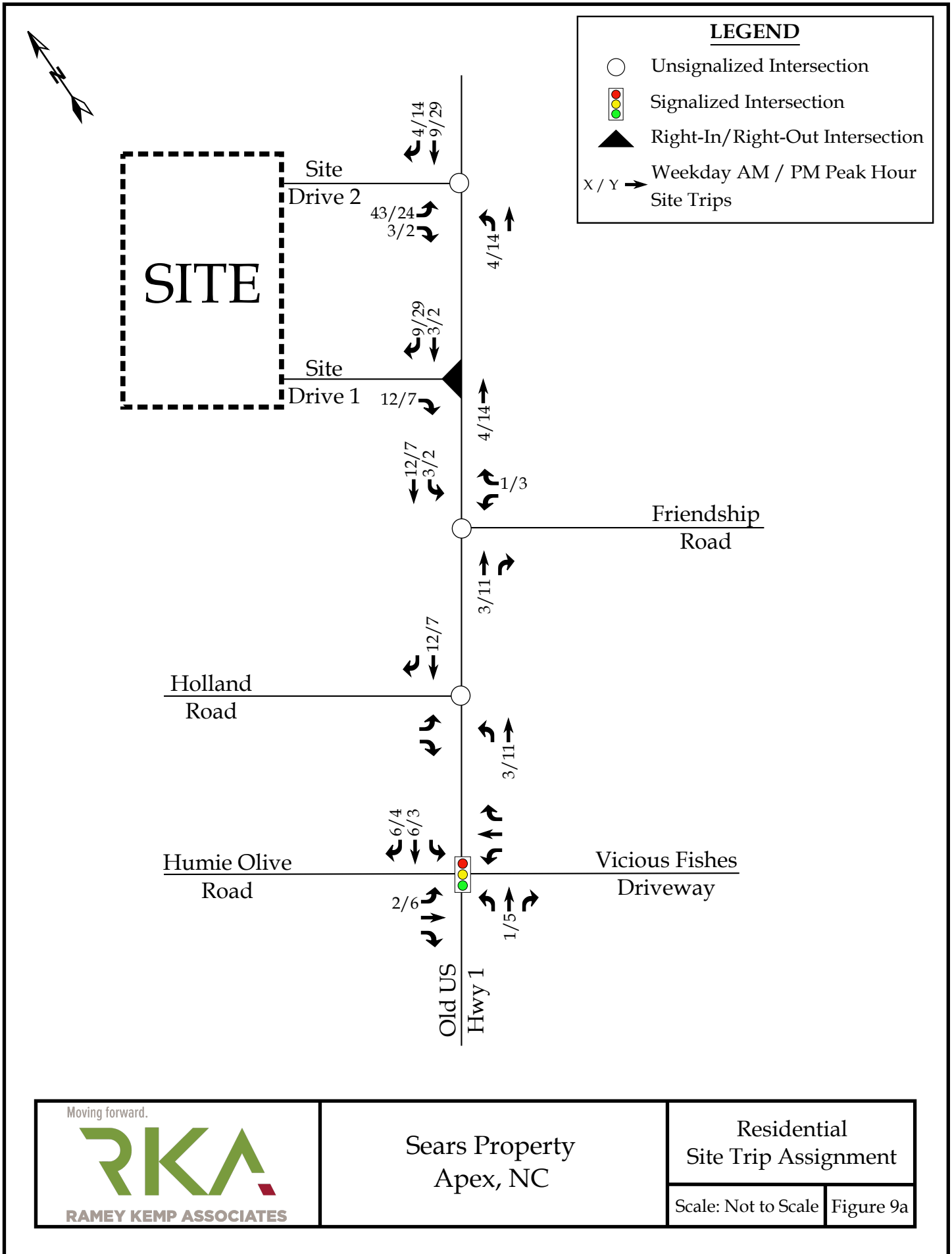


Sears Property  
Apex, NC

Daycare  
Site Trip Distribution

Scale: Not to Scale Figure 8b





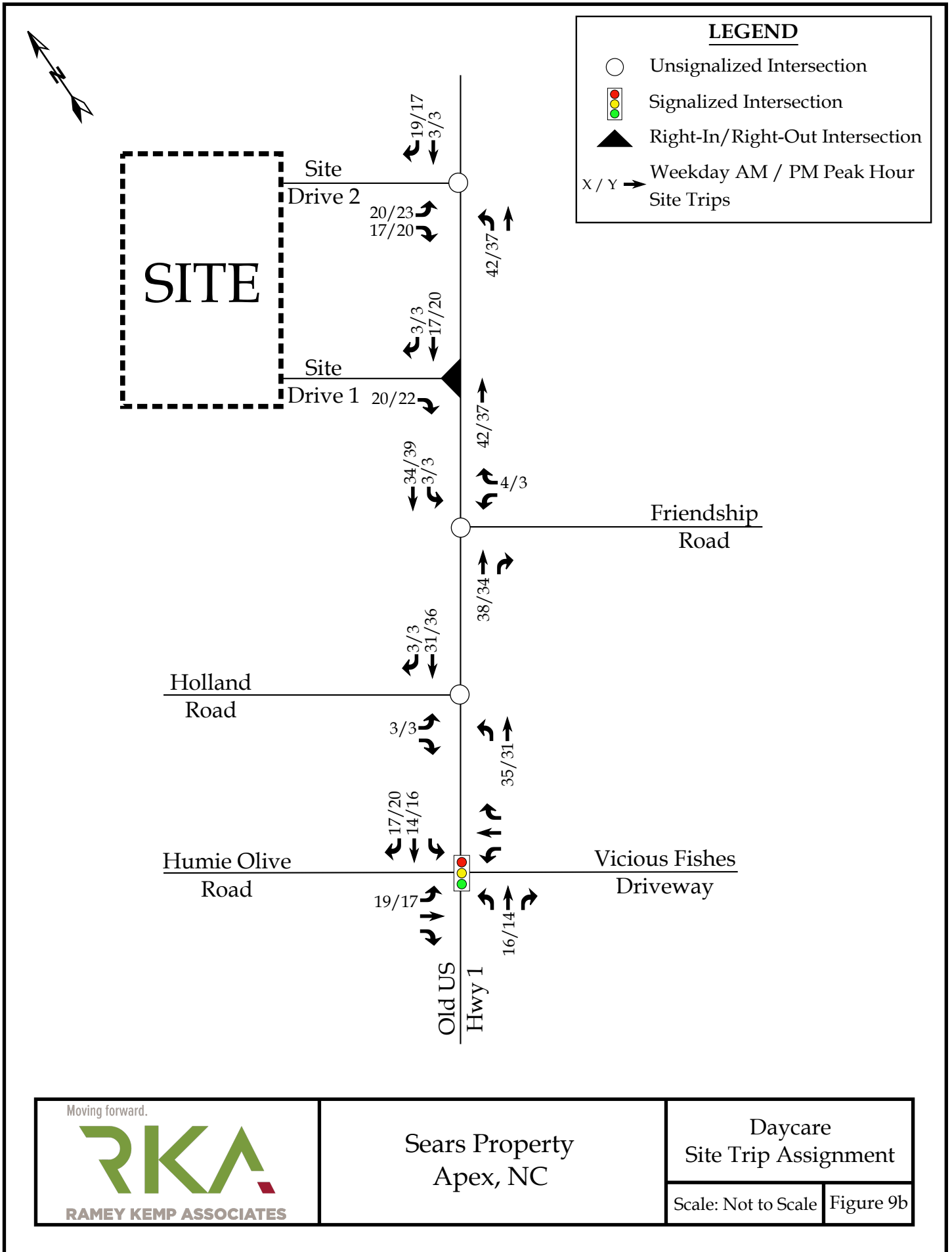
Moving forward.



Sears Property  
Apex, NC

Residential  
Site Trip Assignment

Scale: Not to Scale | Figure 9a



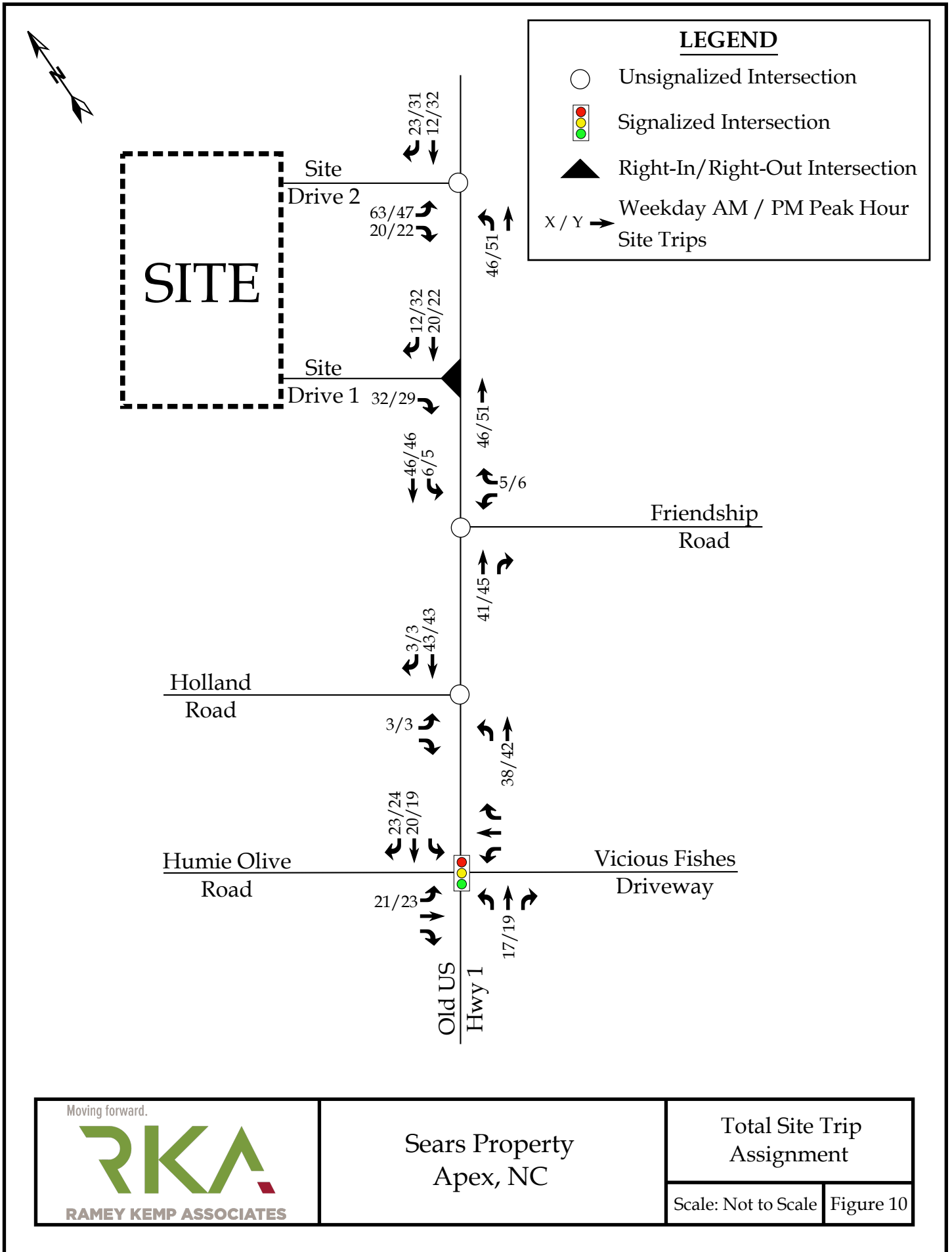
Moving forward.



Sears Property  
Apex, NC

Daycare  
Site Trip Assignment

Scale: Not to Scale | Figure 9b



Moving forward.



Sears Property  
Apex, NC

Total Site Trip  
Assignment

Scale: Not to Scale | Figure 10

## **5. 2026 BUILD TRAFFIC CONDITIONS**

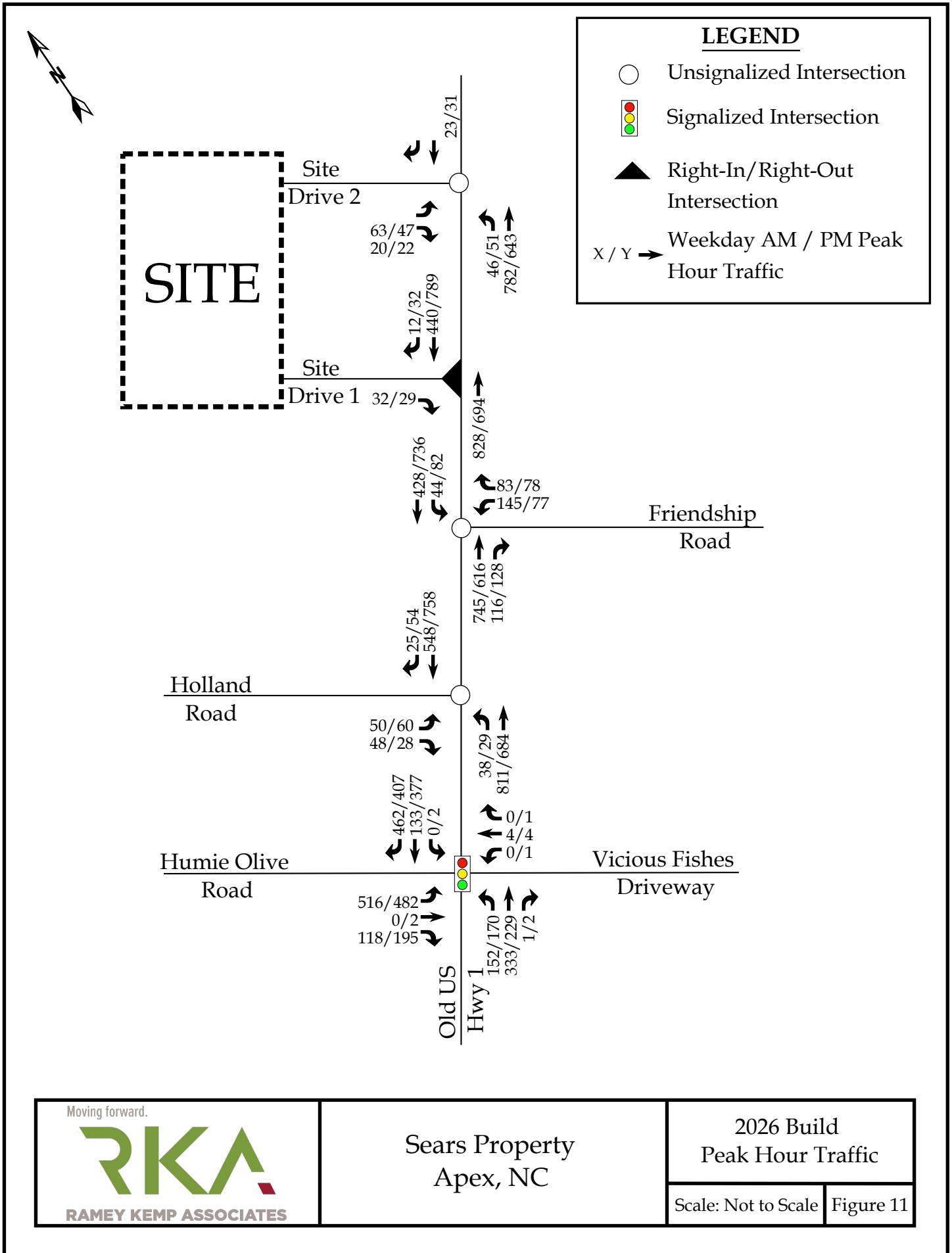
### **5.1. 2026 Build Peak Hour Traffic Volumes**

To estimate traffic conditions with the site fully built-out, the total site trips were added to the 2026 no-build traffic volumes to determine the 2026 build traffic volumes. Refer to Figure 11 for an illustration of the 2026 build peak hour traffic volumes with the proposed site fully developed.

### **5.2. Analysis of 2026 Build Peak Hour Traffic Conditions**

Study intersections were analyzed with the 2026 build traffic volumes using the same methodology previously discussed for existing and no-build traffic conditions. Intersections were analyzed with improvements necessary to accommodate future traffic volumes. The results of the capacity analysis for each intersection are presented in Section 7 of this report.





Moving forward.



Sears Property  
Apex, NC

2026 Build  
Peak Hour Traffic

Scale: Not to Scale | Figure 11

**6. TRAFFIC ANALYSIS PROCEDURE**

Study intersections were analyzed using the methodology outlined in the *Highway Capacity Manual* (HCM), 6<sup>th</sup> Edition published by the Transportation Research Board. Capacity and level of service are the design criteria for this traffic study. A computer software package, Synchro (Version 10.3), was used to complete the analyses for the study area intersections. Please note that the unsignalized capacity analysis does not provide an overall level of service for an intersection; only delay for an approach with a conflicting movement.

The HCM defines capacity as “the maximum hourly rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under prevailing roadway, traffic, and control conditions.” Level of service (LOS) is a term used to represent different driving conditions and is defined as a “qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and/or passengers.” Level of service varies from Level “A” representing free flow, to Level “F” where breakdown conditions are evident. Refer to Table 4 for HCM levels of service and related average control delay per vehicle for both signalized and unsignalized intersections. Control delay as defined by the HCM includes “initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay”. An average control delay of 50 seconds at a signalized intersection results in LOS “D” operation at the intersection.

**Table 4: Highway Capacity Manual – Levels-of-Service and Delay**

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

**6.1. Adjustments to Analysis Guidelines**

Capacity analysis at all study intersections was completed according to the NCDOT Congestions Management Guidelines. Right-turn on red was simulated in Synchro under all analysis scenarios at the signalized intersection of Humie Olive Road and Old US Hwy 1.

Moving forward.

**7. CAPACITY ANALYSIS**

**7.1. Humie Olive Road and Old US Hwy 1**

The existing signalized intersection of Humie Olive Road and Old US Hwy 1 was analyzed under 2021 existing, 2026 no-build, and 2026 build traffic conditions with lane configurations and traffic control shown in Table 5. Right-turn on red was simulated in Synchro at this intersection under 2021 existing, 2026 no-build, and 2026 build traffic conditions in order to provide results based on field conditions. Refer to Table 5 for a summary of the analysis results. Refer to Appendix E for the Synchro capacity analysis reports. SimTraffic queuing reports can be found in Appendix J.

**Table 5: Analysis Summary of Humie Olive Road and Old US Hwy 1**

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB	1 LT, 1 TH-RT	B	B (16)	B	B (17)
	WB	1 LT, 1 TH, 1 RT	A			
	NB	1 LT-TH-RT	A			
	SB	1 LT-TH, 1 RT	C			
2026 No-Build	EB	1 LT, 1 TH-RT	B	C (30)	B	D (33)
	WB	1 LT, 1 TH, 1 RT	A			
	NB	1 LT-TH-RT	B			
	SB	1 LT-TH, 1 RT	E			
2026 Build	EB	1 LT, 1 TH-RT	B	C (35)	B	D (40)
	WB	1 LT, 1 TH, 1 RT	A			
	NB	1 LT-TH-RT	B			
	SB	1 LT-TH, 1 RT	E			

Capacity analysis of 2021 existing, 2026 no-build, and 2026 build traffic conditions indicates that the intersection of Humie Olive Road and Old US Hwy 1 is expected to operate at an overall LOS D or better during the weekday AM and PM peak hours. From 2026 no-build to 2026 build overall delays are expected to increase by approximately 5 seconds during the weekday AM peak hour and 7 seconds during the weekday PM peak hour.

Based on SimTraffic max queue lengths, queuing on the eastbound and southbound approaches under 2026 build conditions is expected to exceed the storage provided; however, site traffic generated by the proposed development is expected to account for less than 10% of the total traffic on these approaches during the weekday AM and PM peak hours when compared to 2021 existing traffic volumes. Additionally, the proposed development is expected to only account for approximately 3% of the overall traffic at the intersection during the weekday AM and PM peak hours. Due to the minor impacts of the proposed development and low percentage of traffic expected, no improvements are recommended at this intersection by the proposed development.



Moving forward.

**7.2. Old US Hwy 1 and Holland Road**

The existing unsignalized intersection of Old US Hwy 1 and Holland Road was analyzed under 2021 existing, 2026 no-build, and 2026 build traffic conditions with the lane configurations and traffic control shown in Table 6. Refer to Table 6 for a summary of the analysis results. Refer to Appendix F for the Synchro capacity analysis reports. SimTraffic queuing reports can be found in Appendix J.

**Table 6: Analysis Summary of Old US Hwy 1 and Holland Road**

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB	1 LT-TH	A <sup>1</sup>	N/A	A <sup>1</sup>	N/A
	WB	1 TH-RT	--		--	
	SB	1 LT-RT	C <sup>2</sup>		D <sup>2</sup>	
2026 No-Build	EB	1 LT-TH	A <sup>1</sup>	N/A	A <sup>1</sup>	N/A
	WB	1 TH-RT	--		--	
	SB	1 LT-RT	E <sup>2</sup>		F <sup>2</sup>	
2026 Build	EB	1 LT-TH	A <sup>1</sup>	N/A	A <sup>1</sup>	N/A
	WB	1 TH-RT	--		--	
	SB	1 LT-RT	F <sup>2</sup>		F <sup>2</sup>	

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

Capacity analysis of 2021 existing, 2026 no-build, 2026 build traffic conditions indicates that the major-street left-turn movement at the intersection of Old US Hwy 1 and Holland Road currently operates and is expected to continue to operate at LOS A during both the weekday AM and PM peak hours. Under 2021 existing traffic conditions, the minor-street approach is expected to operate at LOS D during the weekday AM and PM peak hours. Under 2026 no-build traffic conditions, the minor-street approach is expected to operate at LOS E during the weekday AM peak hour and LOS F during the weekday PM peak hour. Capacity analysis of 2026 build traffic conditions indicates the minor-street approach is expected to operate at LOS F during the weekday AM and PM peak hours. These levels of service are not uncommon for an unsignalized minor-street approach at a mainline (Old US Hwy 1) with heavy through volumes.

A traffic signal was considered at this intersection, and 2026 build peak hour traffic volumes were analyzed utilizing the criteria contained in the *Manual on Uniform Traffic Control Devices* (MUTCD). A traffic signal was warranted during the weekday AM and PM peak hours under 2026 build conditions. Although 2026 build volumes at this intersection are expected to meet peak hour warrants, due to the residential nature of the study area, which typically operates with two distinct peak hours, it is unlikely that the 4 or 8-hour warrants would be met, which NCDOT favors for signalization. Additionally, increased delays are only expected during a short period of time since school traffic is generated over a concentrated period during the peak hours studied. This analysis is assumed to be conservative as the elementary school traffic would typically be spread across multiple hours in the morning.

Due to a high volume of through traffic experienced on the Old US Hwy 1 corridor during the weekday AM and PM peak hours, the introduction of a traffic signal at this intersection would likely result in additional delay to the mainline traffic that would otherwise operate unrestricted through this intersection. Additionally, upstream signals at the intersection of Humie Olive Road and Old US Hwy 1 and at other intersections to the northeast of the study area are expected to provide gaps in traffic for turning movements and reduce the queue lengths experienced.

This intersection is located approximately 200 feet west of the intersection of Friendship Road and Old US Hwy 1. Due to proximity, the realignment of these intersections into a single intersection has the potential to improve operations along the major-street corridor. The future intersection after the realignment should be monitored for signalization to determine if a signal is warranted. The realignment of the two intersections is not recommended by the proposed development as the developer does not control the appropriate properties for this alignment.

Per Section 13.19 of the Town's UDO, improvements to minimize delay are to be required for intersections operating at poor levels of service under future conditions when the traffic generated by the proposed development is at least 10% of the projected total weekday AM or PM peak hour traffic at the intersection. The proposed development is expected to only

account for approximately 6% of the overall traffic at the intersection during the weekday AM and PM peak hours. Due to the low percentage of traffic expected, no improvements are recommended at this intersection by the proposed development. The Holland Road Mixed-Use development recommended and is required to construct an exclusive eastbound left-turn lane with a minimum of 75 feet of storage and an exclusive southbound right-turn lane with a minimum of 200 feet of storage, both with appropriate deceleration and taper length, at this intersection at full buildout. These future roadway improvements were not analyzed under future conditions for the proposed development as the Holland Road Mixed-Use development is still in the approval process and is not currently approved.

Moving forward.

### 7.3. Old US Hwy 1 and Friendship Road

The existing unsignalized intersection of Old US Hwy 1 and Friendship Road was analyzed under 2021 existing, 2026 no-build, and 2026 build traffic conditions with the lane configurations and traffic control shown in Table 7. Refer to Table 7 for a summary of the analysis results. Refer to Appendix G for the Synchro capacity analysis reports. SimTraffic queuing reports can be found in Appendix J.

**Table 7: Analysis Summary of Old US Hwy 1 and Friendship Road**

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB WB NB	1 TH-RT 1 LT-TH 1 LT-RT	-- A <sup>1</sup> E <sup>2</sup>	N/A	-- A <sup>1</sup> D <sup>2</sup>	N/A
2026 No-Build	EB WB NB	1 TH-RT 1 LT-TH 1 LT-RT	-- B <sup>1</sup> F <sup>2</sup>	N/A	-- A <sup>1</sup> F <sup>2</sup>	N/A
2026 Build	EB WB NB	1 TH-RT 1 LT-TH 1 LT-RT	-- B <sup>1</sup> F <sup>2</sup>	N/A	-- B <sup>1</sup> F <sup>2</sup>	N/A

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

2. Level of service for minor-street approach.

Capacity analysis of 2021 existing traffic conditions indicates that the major-street left-turn movement at the intersection of Old US Hwy 1 and Friendship Road is expected to operate at LOS A during both the weekday AM and PM peak hours, while the minor-street approach is expected to operate at LOS E during the weekday AM peak hour and LOS D during the weekday PM peak hour. Under 2026 no-build and 2026 build conditions, the major-street left-turn movement is expected to operate at LOS B or better during the weekday AM and PM peak hours, while the minor-street approach is expected to operate at LOS F during the weekday AM and PM peak hours. These levels of service are not uncommon for an unsignalized minor-street approach at a mainline (Old US Hwy 1) with heavy through volumes.



A traffic signal was considered at this intersection, and 2026 build peak hour traffic volumes were analyzed utilizing the criteria contained in the *Manual on Uniform Traffic Control Devices* (MUTCD). A traffic signal was warranted during the weekday AM and PM peak hours under 2026 build conditions. Although 2026 build volumes at this intersection are expected to meet peak hour warrants, due to the residential nature of the study area, which typically operates with two distinct peak hours, it is unlikely that the 4 or 8-hour warrants would be met, which NCDOT favors for signalization. Additionally, increased delays are only expected during a short period of time since school traffic is generated over a concentrated period during the peak hours studied. This analysis is assumed to be conservative as the elementary school traffic would typically be spread across multiple hours in the morning.

Due to a high volume of through traffic experienced on the Old US Hwy 1 corridor during the weekday AM and PM peak hours, the introduction of a traffic signal at this intersection would likely result in additional delay to the mainline traffic that would otherwise operate unrestricted through this intersection. Additionally, upstream signals at the intersection of Humie Olive Road and Old US Hwy 1 and at other intersections to the northeast of the study area are expected to provide gaps in traffic for turning movements and reduce the queue lengths experienced.

This intersection is also located approximately 200 feet east of the intersection of Holland Road and Old US Hwy 1. Due to proximity, the realignment of these intersections into a single intersection has the potential to improve operations along the major-street corridor. The future intersection after the realignment should be monitored for signalization to determine if a signal is warranted. The realignment of the two intersections is not recommended by the proposed development as the developer does not control the appropriate properties for this alignment.

Per Section 13.19 of the Town's UDO, improvements to minimize delay are to be required for intersections operating at poor levels of service under future conditions when the traffic generated by the proposed development is at least 10% of the projected total weekday AM or PM peak hour traffic at the intersection. The proposed development is expected to only

account for approximately 6% of the overall traffic at the intersection during the weekday AM and PM peak hours. Due to the low percentage of traffic expected, no improvements are recommended at this intersection by the proposed development. The Pleasant Park development recommended that an exclusive westbound left-turn lane with a minimum of 150 feet of storage and an exclusive northbound left-turn lane with a minimum of 100 feet of storage, both with appropriate deceleration and taper length, be constructed at this intersection at the development's full buildout. The Holland Road Mixed-Use TIA also included these future roadway improvements in the analysis of future conditions. These future roadway improvements were not analyzed under future conditions for the proposed development due to the uncertainty of when these improvements are proposed to be built out.

Moving forward.

**7.4. Old US Hwy 1 and Site Drive 1**

The proposed right-in / right-out intersection of Old US Hwy 1 and Site Drive 1 was analyzed under 2026 build traffic conditions with the lane configurations and traffic control shown in Table 8. Refer to Table 8 for a summary of the analysis results. Refer to Appendix H for the Synchro capacity analysis reports. SimTraffic queuing reports can be found in Appendix J.

**Table 8: Analysis Summary of Old US Hwy 1 and Site Drive 1**

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2026 Build	EB WB SB	1 TH 1 TH, 1 RT 1 RT	-- -- B <sup>1</sup>	N/A	-- -- C <sup>1</sup>	N/A

1. Level of service for the minor-street approach.  
Improvements by Developer shown in bold.

Capacity analysis of 2026 build traffic conditions indicates that the minor-street approach at the intersection of Old US Hwy 1 and Site Drive 1 is expected to operate at LOS C or better during the weekday AM and PM peak hours.

Turn lanes were considered at this intersection based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* (Driveway Manual). Based on the Driveway Manual, an exclusive westbound right-turn lane with a minimum of 50 feet of storage and appropriate deceleration and taper length is warranted and recommended at this intersection.

Moving forward.

**7.5. Old US Hwy 1 and Site Drive 2**

The proposed unsignalized intersection of Old US Hwy 1 and Site Drive 2 was analyzed under 2026 build traffic conditions with the lane configurations and traffic control shown in Table 9. Refer to Table 9 for a summary of the analysis results. Refer to Appendix I for the Synchro capacity analysis reports. SimTraffic queuing reports can be found in Appendix J.

**Table 9: Analysis Summary of Old US Hwy 1 and Site Drive 2**

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2026 Build	EB WB SB	<b>1 LT, 1 TH</b> 1 TH-RT <b>1 LT-RT</b>	A <sup>1</sup> -- F <sup>2</sup>	N/A	B <sup>1</sup> -- F <sup>2</sup>	N/A

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

2. Level of service for minor-street approach.

Improvements by Developer shown in bold.

Capacity analysis of 2026 build traffic conditions indicates that the major-street left-turn movement at the intersection of Old US Hwy 1 and Site Drive 2 is expected to operate at LOS B or better during the weekday AM and PM peak hours, while the minor-street approach is expected to operate at LOS F during the weekday AM and PM peak hours. These levels of service are not uncommon for an unsignalized minor-street approach at a mainline (Old US Hwy 1) with heavy through volumes.

Turn lanes were considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways (Driveway Manual)*. Based on the Driveway Manual, an exclusive eastbound left-turn lane with a minimum of 100 feet of storage with appropriate deceleration and taper is warranted and recommended at this intersection. An exclusive westbound right-turn lane with a minimum of 50 feet of storage was also warranted at this intersection. This exclusive westbound right-turn lane is not recommended by the proposed development due to right-of way constraints as it is expected to require potential right-of way acquisition in order to be constructed.



A traffic signal was considered at this intersection, and 2026 build peak hour traffic volumes were analyzed utilizing the criteria contained in the *Manual on Uniform Traffic Control Devices* (MUTCD). A traffic signal was only warranted during the weekday AM peak hour under 2026 build conditions. Although 2026 build volumes at this intersection are expected to meet weekday AM peak hour warrants, due to the residential nature of the study area and the proposed site, which typically operates with two distinct peak hours, it is unlikely that the 4 or 8-hour warrants would be met, which NCDOT favors for signalization. Due to a high volume of through traffic experienced on the Old US Hwy 1 corridor during the weekday AM and PM peak hours, the introduction of a traffic signal at this intersection would likely result in additional delay to the mainline traffic that would otherwise operate unrestricted through this intersection. Additionally, upstream signals at the intersection of Humie Olive Road and Old US Hwy 1 and at other intersections to the northeast of the study area are expected to provide gaps in traffic for turning movements and reduce the queue lengths experienced.

## 8. CONCLUSIONS

This Traffic Impact Analysis was conducted to determine the potential traffic impacts of the proposed mixed-use development, along Old US Hwy 1, east of Holland Road in Apex, North Carolina. The proposed development is expected to be built out in 2026. Site access is proposed via one (1) full movement intersection and one (1) right-in/right-out driveway along Old US Hwy 1.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2021 Existing Traffic Conditions
- 2026 No-Build Traffic Conditions
- 2026 Build Traffic Conditions

### Trip Generation

It is estimated that the proposed development will generate approximately 1,690 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 196 trips (81 entering and 115 exiting) will occur during the weekday AM peak hour and 212 trips (114 entering and 98 exiting) will occur during the weekday PM peak hour.

### Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to NCDOT Congestion Management Guidelines. Refer to section 6.1 of this report for a detailed description of any adjustments to these guidelines made throughout the analysis.

### Intersection Capacity Analysis Summary

All the study area intersections (including the proposed site driveways) are expected to operate at acceptable levels-of-service under existing and future year conditions with the exception of the intersections listed below. A summary of the study area intersections that are expected to need improvements are as follows:

### Old US Hwy 1 and Holland Road

Under 2026 no-build traffic conditions, the minor-street approach is expected to operate at LOS E during the weekday AM peak hour and LOS F during the weekday PM peak hour. Capacity analysis of 2026 build traffic conditions indicates the minor-street approach is expected to operate at LOS F during the weekday AM and PM peak hours. These levels of service are not uncommon for an unsignalized minor-street approach at a mainline (Old US Hwy 1) with heavy through volumes.

A traffic signal was considered at this intersection, and 2026 build peak hour traffic volumes were analyzed utilizing the criteria contained in the *Manual on Uniform Traffic Control Devices* (MUTCD). A traffic signal was warranted during the weekday AM and PM peak hours under 2026 build conditions. Although 2026 build volumes at this intersection are expected to meet peak hour warrants, due to the residential nature of the study area, which typically operates with two distinct peak hours, it is unlikely that the 4 or 8-hour warrants would be met, which NCDOT favors for signalization. Additionally, increased delays are only expected during a short period of time since school traffic is generated over a concentrated period during the peak hours studied. This analysis is assumed to be conservative as the elementary school traffic would typically be spread across multiple hours in the morning.

Due to a high volume of through traffic experienced on the Old US Hwy 1 corridor during the weekday AM and PM peak hours, the introduction of a traffic signal at this intersection would likely result in additional delay to the mainline traffic that would otherwise operate unrestricted through this intersection. Additionally, upstream signals at the intersection of Humie Olive Road and Old US Hwy 1 and at other intersections to the northeast of the study area are expected to provide gaps in traffic for turning movements and reduce the queue lengths experienced.

This intersection is located approximately 200 feet west of the intersection of Friendship Road and Old US Hwy 1. Due to proximity, the realignment of these intersections into a single intersection has the potential to improve operations along the major-street corridor. The future intersection after the realignment should be monitored for signalization to determine if

a signal is warranted. The realignment of the two intersections is not recommended by the proposed development as the developer does not control the appropriate properties for this alignment.

Per Section 13.19 of the Town's UDO, improvements to minimize delay are to be required for intersections operating at poor levels of service under future conditions when the traffic generated by the proposed development is at least 10% of the projected total weekday AM or PM peak hour traffic at the intersection. The proposed development is expected to only account for approximately 6% of the overall traffic at the intersection during the weekday AM and PM peak hours. Due to the low percentage of traffic expected, no improvements are recommended at this intersection by the proposed development. The Holland Road Mixed-Use development recommended and is required to construct an exclusive eastbound left-turn lane with a minimum of 75 feet of storage and an exclusive southbound right-turn lane with a minimum of 200 feet of storage, both with appropriate deceleration and taper length, at this intersection at full buildout. These future roadway improvements were not analyzed under future conditions for the proposed development as the Holland Road Mixed-Use development is still in the approval process and is not currently approved.

#### Old US Hwy 1 and Friendship Road

Capacity analysis of 2021 existing traffic conditions indicates that the minor-street approach is expected to operate at LOS E during the weekday AM peak hour and LOS D during the weekday PM peak hour. Under 2026 no-build and 2026 build conditions, the major-street left-turn movement is expected to operate at LOS B or better during the weekday AM and PM peak hours, while the minor-street approach is expected to operate at LOS F during the weekday AM and PM peak hours. These levels of service are not uncommon for an unsignalized minor-street approach at a mainline (Old US Hwy 1) with heavy through volumes.

A traffic signal was considered at this intersection, and 2026 build peak hour traffic volumes were analyzed utilizing the criteria contained in the *Manual on Uniform Traffic Control Devices* (MUTCD). A traffic signal was warranted during the weekday AM and PM peak hours under



2026 build conditions. Although 2026 build volumes at this intersection are expected to meet peak hour warrants, due to the residential nature of the study area, which typically operates with two distinct peak hours, it is unlikely that the 4 or 8-hour warrants would be met, which NCDOT favors for signalization. Additionally, increased delays are only expected during a short period of time since school traffic is generated over a concentrated period during the peak hours studied. This analysis is assumed to be conservative as the elementary school traffic would typically be spread across multiple hours in the morning.

Due to a high volume of through traffic experienced on the Old US Hwy 1 corridor during the weekday AM and PM peak hours, the introduction of a traffic signal at this intersection would likely result in additional delay to the mainline traffic that would otherwise operate unrestricted through this intersection. Additionally, upstream signals at the intersection of Humie Olive Road and Old US Hwy 1 and at other intersections to the northeast of the study area are expected to provide gaps in traffic for turning movements and reduce the queue lengths experienced.

This intersection is also located approximately 200 feet east of the intersection of Holland Road and Old US Hwy 1. Due to proximity, the realignment of these intersections into a single intersection has the potential to improve operations along the major-street corridor. The future intersection after the realignment should be monitored for signalization to determine if a signal is warranted. The realignment of the two intersections is not recommended by the proposed development as the developer does not control the appropriate properties for this alignment.

Per Section 13.19 of the Town's UDO, improvements to minimize delay are to be required for intersections operating at poor levels of service under future conditions when the traffic generated by the proposed development is at least 10% of the projected total weekday AM or PM peak hour traffic at the intersection. The proposed development is expected to only account for approximately 6% of the overall traffic at the intersection during the weekday AM and PM peak hours. Due to the low percentage of traffic expected, no improvements are recommended at this intersection by the proposed development. The Pleasant Park

development recommended that an exclusive westbound left-turn lane with a minimum of 150 feet of storage and an exclusive northbound left-turn lane with a minimum of 100 feet of storage, both with appropriate deceleration and taper length, be constructed at this intersection at the development's full buildout. The Holland Road Mixed-Use TIA also included these future roadway improvements in the analysis of future conditions. These future roadway improvements were not analyzed under future conditions for the proposed development due to the uncertainty of when these improvements are proposed to be built out.

### Old US Hwy 1 and Site Drive 2

Capacity analysis of 2026 build traffic conditions indicates that the major-street left-turn movement at the intersection of Old US Hwy 1 and Site Drive 2 is expected to operate at LOS B or better during the weekday AM and PM peak hours, while the minor-street approach is expected to operate at LOS F during the weekday AM and PM peak hours. These levels of service are not uncommon for an unsignalized minor-street approach at a mainline (Old US Hwy 1) with heavy through volumes.

Turn lanes were considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways (Driveway Manual)*. Based on the Driveway Manual, an exclusive eastbound left-turn lane with a minimum of 100 feet of storage with appropriate deceleration and taper is warranted and recommended at this intersection. An exclusive westbound right-turn lane with a minimum of 50 feet of storage was also warranted at this intersection. This exclusive westbound right-turn lane is not recommended by the proposed development due to right-of way constraints as it is expected to require potential right-of way acquisition in order to be constructed.

A traffic signal was considered at this intersection, and 2026 build peak hour traffic volumes were analyzed utilizing the criteria contained in the *Manual on Uniform Traffic Control Devices (MUTCD)*. A traffic signal was only warranted during the weekday AM peak hour under 2026 build conditions. Although 2026 build volumes at this intersection are expected to meet weekday AM peak hour warrants, due to the residential nature of the study area and the

proposed site, which typically operates with two distinct peak hours, it is unlikely that the 4 or 8-hour warrants would be met, which NCDOT favors for signalization. Due to a high volume of through traffic experienced on the Old US Hwy 1 corridor during the weekday AM and PM peak hours, the introduction of a traffic signal at this intersection would likely result in additional delay to the mainline traffic that would otherwise operate unrestricted through this intersection. Additionally, upstream signals at the intersection of Humie Olive Road and Old US Hwy 1 and at other intersections to the northeast of the study area are expected to provide gaps in traffic for turning movements and reduce the queue lengths experienced.

## 9. RECOMMENDATIONS

Based on the findings of this study, specific geometric improvements have been identified and are recommended to accommodate future traffic conditions. See a more detailed description of the recommended improvements below. Refer to Figure 12 for an illustration of the recommended lane configuration for the proposed development.

### Recommended Improvements by Developer

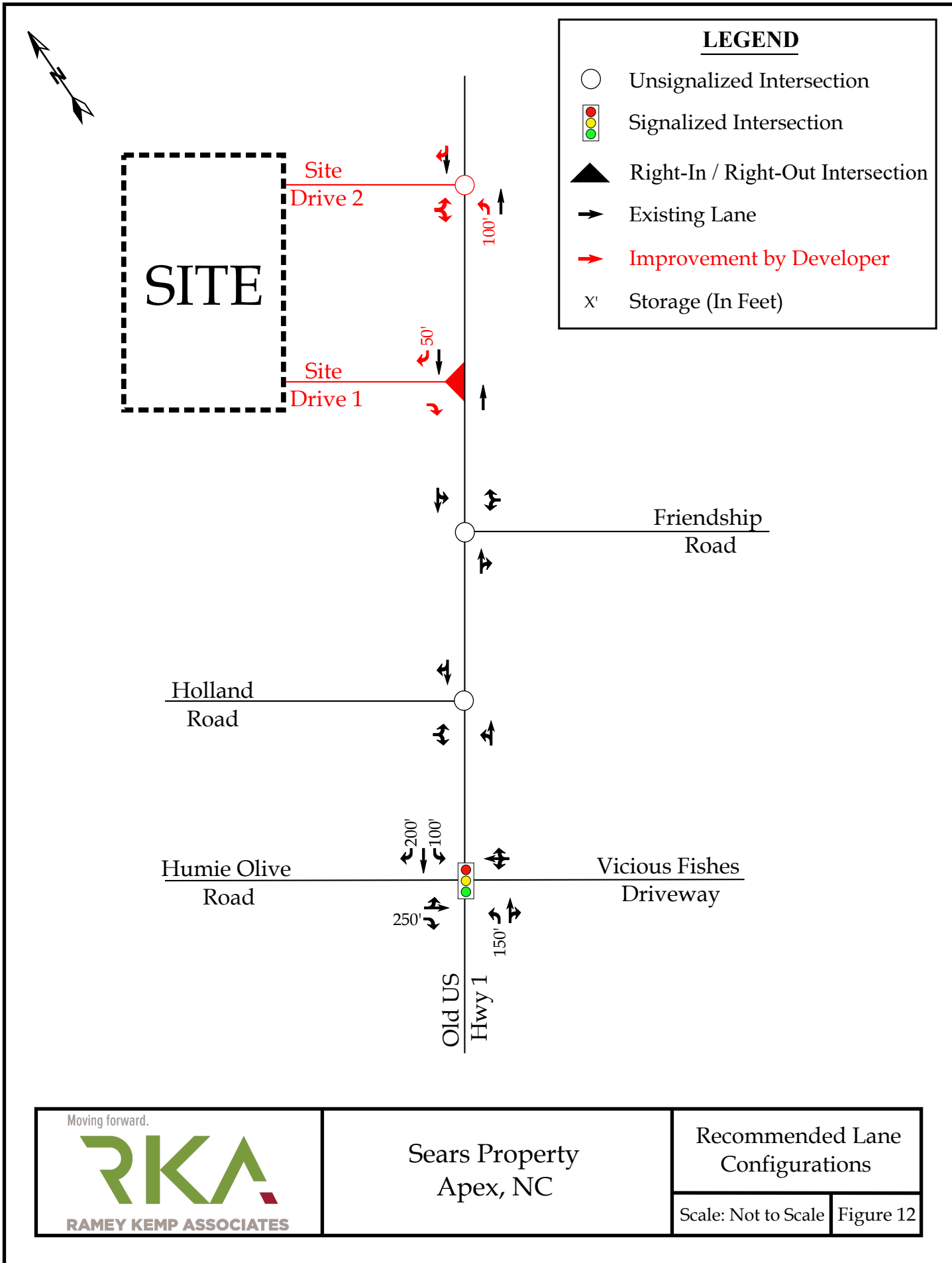
#### Old US Hwy 1 and Site Drive 1

- Construct the southbound approach with one (1) ingress lane and one (1) egress lane striped as a right-in/right-out.
- Provide stop-control for the southbound approach.
- Provide an exclusive westbound right-turn lane with a minimum of 50 feet of storage with appropriate deceleration and taper length.

#### Old US Hwy 1 and Site Drive 2

- Construct the southbound approach with one (1) ingress lane and one (1) egress lane.
- Provide stop-control for the southbound approach.
- Provide an exclusive eastbound left-turn lane with a minimum of 100 feet of storage with appropriate deceleration and taper length.





Moving forward.



RAMEY KEMP ASSOCIATES

Sears Property  
Apex, NC

Recommended Lane  
Configurations

Scale: Not to Scale | Figure 12



# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ31 Sears Property PUD

Planning Board Meeting Date: May 9, 2022



## 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:** ±26.218 acres

**PIN(s):** 0731107868 & 0731107055

**Current Zoning:** Rural Residential (RR)

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

**2045 Land Use Map:** Medium Density Residential/Office Employment

**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: \_\_\_\_\_

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

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# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ31 Sears Property PUD

Planning Board Meeting Date: May 9, 2022



## Legislative Considerations:

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

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

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

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

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

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

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

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

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

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

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

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# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ31 Sears Property PUD

Planning Board Meeting Date: May 9, 2022



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

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

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

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

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

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

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

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

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

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

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PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ31 Sears Property PUD

Planning Board Meeting Date: May 9, 2022



Planning Board Recommendation:

Motion: To recommend approval with conditions as proposed by applicant, including additional condition (listed below).

Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Mark Steele

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

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

Conditions are proposed by applicant with additional condition offered by developer at the Planning Board meeting: "Where adjacent to existing residences, and where existing vegetation is not already in place, a 20' Type A buffer shall be provided. In all other areas, a 20' Type B buffer shall be provided."

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

With 8 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 9th day of May 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin  
Date: 2022.05.09 17:37:39  
-04'00'

Dianne Khin, Director of Planning and  
Community Development



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

**PUBLIC NOTIFICATION  
 OF PUBLIC HEARINGS**  
 CONDITIONAL ZONING #21CZ31  
 Sears Property PUD

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

- Applicant:** Matt Christensen, Beazer Homes
- Authorized Agent:** Jeff Roach, Peak Engineering & Design, PLLC.
- Property Addresses:** 0 & 2108 Old US 1 Highway
- Acreage:** ±26.218 acres
- Property Identification Numbers (PINs):** 0731107868 & 0731107055
- 2045 Land Use Map Designation:** Medium Density Residential/Office Employment
- Existing Zoning of Properties:** Rural Residential (RR)
- Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

**Planning Board Public Hearing Date and Time: May 9, 2022 4:30 PM**

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

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

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

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

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/37715>.

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





1



2



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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS**  
CONDITIONAL ZONING #21CZ31  
Sears Property PUD

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

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**Acreage:** ±26.218 acres  
**Property Identification Numbers (PINs):** 0731107868 & 0731107055  
**2045 Land Use Map Designation:** Medium Density Residential/Office Employment  
**Existing Zoning of Properties:** Rural Residential (RR)  
**Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

**Planning Board Public Hearing Date and Time:** May 9, 2022 4:30 PM  
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A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.parcinfo.gov/imap>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/3771](http://www.apexnc.org/DocumentCenter/View/3771). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/3771>.

Dianna F. Kbin, AICP  
Director of Planning and Community Development

Published Dates: April 27 – May 9, 2022



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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ31  
Sears Property PUD [Desarrollo de Unidad Planificada]

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

**Solicitante:** Matt Christensen, Beazer Homes  
**Agente autorizado:** Jeff Roach, Peak Engineering & Design, PLLC.  
**Dirección de las propiedades:** 0 & 2108 Old US 1 Highway  
**Superficie:** ±26.218 acres  
**Números de identificación de las propiedades:** 0731107868 & 0731107055  
**Designación actual de las propiedades:** Medium Density Residential/Office Employment





## TOWN OF APEX

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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ31  
Sears Property PUD (Desarrollo de Unidad Planificada)

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

**Solicitante:** Matt Christensen, Beazer Homes

**Agente autorizado:** Jeff Roach, Peak Engineering & Design, PLLC.

**Dirección de las propiedades:** 0 & 2108 Old US 1 Highway

**Superficie:** ±26.218 acres

**Números de identificación de las propiedades:** 0731107868 & 0731107055

**Designación actual en el Mapa de Uso Territorial para 2045:** Medium Density Residential/Office Employment

**Ordenamiento territorial existente de las propiedades:** Residencial Rural (RR)

**Ordenamiento territorial propuesto para las propiedades:** Desarrollo de Unidad Planificada-Ordenamiento Territorial Condicional (PUD-CZ)

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

### **Fecha y hora de la audiencia pública de la Junta de Planificación: 9 de mayo de 2022 4:30 P.M.**

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

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

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

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

### **Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/37715>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario





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2



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/3174](http://www.apexnc.org/DocumentCenter/View/3174). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/37715>.

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

Published Dates: April 27 – May 9, 2022



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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ31  
Sears Property PUD (Desarrollo de Unidad Planificada)

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

**Solicitante:** Matt Christensen, Beazer Homes  
**Agente autorizado:** Jeff Roach, Peak Engineering & Design, PLLC.  
**Dirección de las propiedades:** 0 & 2108 Old US 1 Highway  
**Superficie:** ±26.218 acres  
**Números de identificación de las propiedades:** 0731107868 & 0731107055  
**Designación actual en el Mapa de Uso Territorial para 2045:** Medium Density Residential/Office Employment  
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**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

**Fecha y hora de la audiencia pública de la Junta de Planificación:** 9 de mayo de 2022 4:30 P.M.  
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En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/townofapexgov>.

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

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/3174](http://www.apexnc.org/DocumentCenter/View/3174). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/37715>.

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

Fechas de publicación: 27 de abril – 9 de mayo de 2022



**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 #21CZ31  
 Sears Property PUD

Project Location: 0 & 2108 Old US 1 Highway

Applicant or Authorized Agent: Jeff Roach, PE

Firm: Peak Engineering & Design, PLLC.

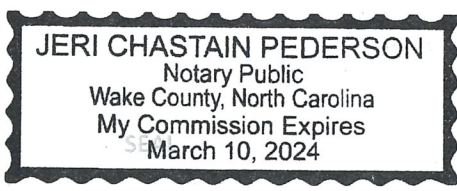
This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on April 27, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on Wake County Tax Assessor information and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

4/27/2022  
 Date

*Shanne L. Kher*  
 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 27 day of April, 2022.



*Jeri Chastain Pederson*  
 Notary Public

My Commission Expires: 03 / 10 / 2024





## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ31 Sears Property PUD

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

**Applicant:** Matt Christensen, Beazer Homes

**Authorized Agent:** Jeff Roach, Peak Engineering & Design, PLLC

**Property Addresses:** 0 & 2108 Old US 1 Highway

**Acreage:** ±26.218 acres

**Property Identification Numbers (PINs):** 0731107868 & 0731107055

**2045 Land Use Map Designation:** Medium Density Residential/Office Employment

**Existing Zoning of Properties:** Rural Residential (RR)

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

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

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

### **Town Council Public Hearing Date and Time: May 24, 2022 6:00 PM**

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

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

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

### **Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/37715>.

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 #21CZ31  
Sears Property PUD

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

- Applicant:** Matt Christensen, Beazer Homes
- Authorized Agent:** Jeff Roach, Peak Engineering & Design, PLLC
- Property Addresses:** 0 & 2108 Old US 1 Highway
- Acres:** ±26.218 acres
- Property Identification Numbers (PINs):** 0731107868 & 0731107055
- 2045 Land Use Map Designation:** Medium Density Residential/Office Employment
- Existing Zoning of Properties:** Rural Residential (RR)
- Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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**Town Council Public Hearing Date and Time: May 24, 2022 6:00 PM**

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**Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.apexnc.org/emap>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/372](http://www.apexnc.org/DocumentCenter/View/372). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/37715>.

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

Published Dates: May 6 - May 24, 2022



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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ31  
Sears Property PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

- Solicitante:** Matt Christensen, Beazer Homes
- Agente autorizado:** Jeff Roach, Peak Engineering & Design, PLLC
- Dirección de las propiedades:** 0 & 2108 Old US 1 Highway
- Superficie:** ±26.218 acres
- Números de identificación de las propiedades:** 0731107868 & 0731107055





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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

### ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ31

#### Sears Property PUD (Desarrollo de Unidad Planificada)

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**Solicitante:** Matt Christensen, Beazer Homes

**Agente autorizado:** Jeff Roach, Peak Engineering & Design, PLLC

**Dirección de las propiedades:** 0 & 2108 Old US 1 Highway

**Superficie:** ±26.218 acres

**Números de identificación de las propiedades:** 0731107868 & 0731107055

**Designación actual en el Mapa de Uso Territorial para 2045:** Medium Density Residential/Office Employment

**Ordenamiento territorial existente de las propiedades:** Rural Residential (RR)

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

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

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

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

**Fecha y hora de la audiencia pública del Consejo Municipal: 24 de mayo de 2022 6:00 P.M.**

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

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

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

#### Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/37715>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario





Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.apexnc.org/imap>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/3775](http://www.apexnc.org/DocumentCenter/View/3775). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/3775>.

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

Published Dates: May 6 - May 24, 2022



**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ31  
Sears Property PUD (Desarrollo de Unidad Planificada)

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**Solicitante:** Matt Christensen, Beazer Homes  
**Agente autorizado:** Jeff Roach, Peak Engineering & Design, PLLC  
**Dirección de las propiedades:** 0 & 2108 Old US 1 Highway  
**Superficie:** ±26.218 acres  
**Números de identificación de las propiedades:** 0731107868 & 0731107055  
**Designación actual en el Mapa de Uso Territorial para 2045:** Medium Density Residential/Office Employment  
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**Ordenamiento territorial propuesto para las propiedades:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

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

Fechas de publicación: 6 de mayo - 24 de mayo de 2022



**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 #21CZ31  
Sears Property PUD  
Project Location: 0 & 2108 Old US 1 Highway  
Applicant or Authorized Agent: Jeff Roach, PE  
Firm: Peak Engineering & Design, PLLC.

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 6, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

5/9/2022  
Date

*Mianne F. 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 9 day of May, 2022.

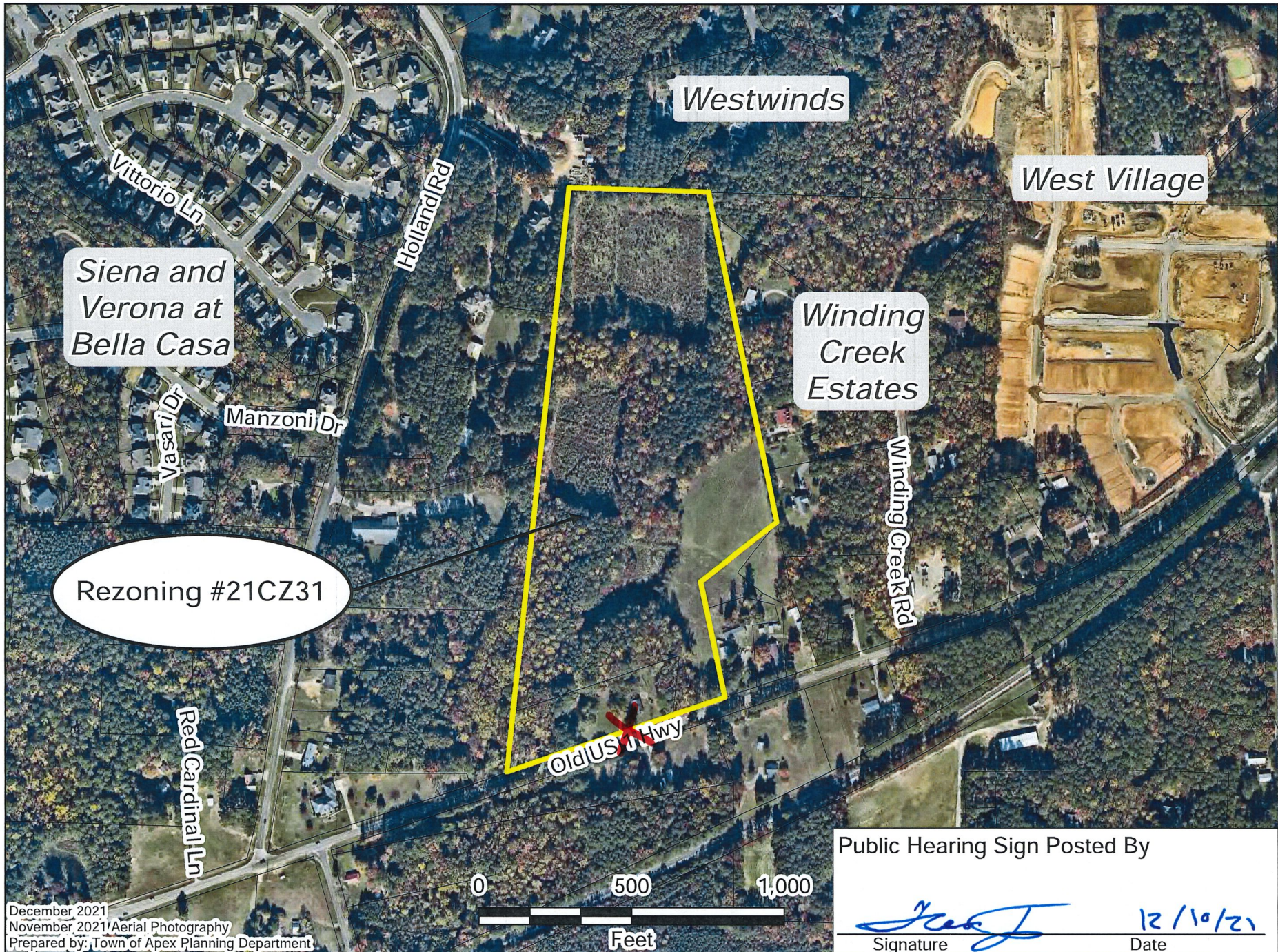


SEAL

*Jeri Chastain Pederson*  
Notary Public

My Commission Expires: 03/10/2024





Westwinds

West Village

Siena and Verona at Bella Casa

Winding Creek Estates

Rezoning #21CZ31

Public Hearing Sign Posted By

*[Signature]*  
Signature

12/10/21  
Date

December 2021  
November 2021 Aerial Photography  
Prepared by: Town of Apex Planning Department

0 500 1,000  
Feet





**Student Assignment**  
5625 Dillard Drive  
Cary, NC, 27518  
Email: studentassignment@wcpss.net

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

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: December 1, 2021
- Name of development: 21CZ31 Townes at Pleasant Park PUD
- Address of rezoning: 0 & 2108 Old US 1 Hwy (PINs 0731107868 & 0731107055)
- Total number of proposed residential units: 160
- Type(s) of residential units proposed: Townhomes

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*