

STAFF REPORT

Rezoning #22CZ03 Sweetwater PUD Amendment

June 14, 2022 Town Council Meeting



The public hearing for this rezoning was held on April 26, 2022 with the vote being continued to the June 14, 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: 3233 US 64 Highway, 0 Core Banks St., 0 US 64 Highway, 1051 & 1075 Newland Ave.

Applicant: David Schmidt, ExperienceOne Homes, LLC

Owners: KEPE1 STC, LLC; KEPE1 Holdings, LLC; Sweetwater Lightbridge, LLC

PROJECT DESCRIPTION:

Acreege: ±44.76

PINs: 0722453275, 0722456374, 0722458740, 0722550034, 0722544876, 0722544404

Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ01)

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

2045 Land Use Map: Mixed Use: High Density Residential/Office Employment/Commercial Services

Town Limits: Inside Town Limits

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ31); Neighborhood Business (B1); Rural Residential (RR)	US 64 Hwy W; Westford PUD; Convenience Store; Large Lot Residential
South:	Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ21)	Core Banks Street; Sweetwater Residential section: Single Family, Townhomes, & Amenity Center
East:	Tech/Flex (TF); Light Industrial (LI); Rural Residential (RR)	64 Business Park and Self-Storage; Vacant
West:	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ32); Planned Commercial (PC)	Landscape Business; Smith Farm PUD (future mixed-use section)

EXISTING CONDITIONS:

The properties to be rezoned were originally rezoned to Planned Unit Development-Conditional Zoning on April 21, 2015 with the most recent revisions being approved on October 16, 2018. The subject properties on the east side of Richardson Road contain a day care, the mixed use development that is under construction, and two parcels for future development. The parcels on the west side of Richardson Road are mostly wooded with the exception of a former pond site and a construction trailer.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on January 25, 2022. The neighborhood meeting report is attached.

2045 LAND USE MAP:

The 2045 Land Use Map classifies the properties subject to this rezoning as Mixed Use: High Density Residential/Office Employment/Commercial Services. The proposed amendments to the PUD-CZ zoning are consistent with that classification.



PLANNED UNIT DEVELOPMENT PLAN:

The applicant is proposing the changes shown below with this PUD amendment. Deletions are shown with strikethrough and additions are shown in bold.

1. Changes to Section 6: Design Controls

The following language was changed for the Nonresidential/Mixed Use Areas

Office: A minimum of ~~80,000~~ **55,000** square feet of office will be provided in this section.

2. Change to Section 11: Public Facilities.

Roadway: Internal Streets will be designed to Town of Apex public roads standards. The proposed development roadway system will be in accordance with the Apex Thoroughfare and Collector Street Plan. A functional alignment for the future Richardson Road thoroughfare will be created with the input from NCDOT and Town of Apex from its intersection with US 64 to the edge of the project area. The ultimate cross-section for the future Richardson Road will be 4 lane median divided facility on a 100-foot public right-of-way. In the initial phases of the development, the developer will construct a 2-lane median divided road. The final design will be determined at Master Subdivision Plan. The intersection of the future Richardson Road and US Highway 64 will comply with the NCDOT US 64 corridor plan, with interim measures. ~~to accommodate the ultimate design for the interchange.~~

...

~~2. The developer shall propose a conceptual design for the future interchange at US 64 if offered as an alternative to the interchange recommended in the US 64 Corridor Study. Reservation of future public right-of-way for the interchange shall be determined based on Town of Apex and NCDOT review and approval of the interchange concept(s) if not based on the US 64 Corridor Study. This reservation shall be included in development plans and occur at the time of platting parcels for development adjacent to US 64. Surplus parking and related facilities (lighting, landscaping, and storm drainage, etc.) can be constructed within the reservation area; with the understanding that these improvements may be removed in the future. The developer shall make the necessary provisions to accommodate future loss of parking by appropriate site planning including addition of a 50' Type A Buffer behind the reservation area.~~

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3. New Section 17: Environmental Advisory Board.

The following language has been added:

1. At least one (1) pet waste station shall be installed near the Hotel if the Hotel permits pets.

EAB RECOMMENDATIONS:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on January 20, 2022. The zoning conditions suggested by the EAB are listed below along with the applicant’s response to each condition.

EAB Suggested Condition	Applicant’s Response
Construct a bus stop if the stop is desirable and recommended by Town staff and transit providers after coordination.	Not added
Include energy efficient lighting in building design.	Not added

STAFF REPORT

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June 14, 2022 Town Council Meeting



EAB Suggested Condition	Applicant's Response
Lower maximum foot-candles outside of buildings. <ul style="list-style-type: none">• Install timers or light sensors or smart lighting technology.• Incorporate natural lighting techniques into building design.• Include International Dark Sky Association compliance standards.	Not added
Outdoor lighting shall be shielded in a way that focuses lighting to the ground.	Not added
Lighting that minimizes the emission of blue light to reduce glare shall be used.	Not added
Lighting with a color temperature of 3000K or less shall be used for outdoor installations.	Not added
Add 100-kW of solar PV on the rooftop of the hotel conference center and grocery stores over 35,000 sq. feet.	Not added
Install pet waste stations nearby the hotel if the hotel permits pets.	Added
Implement green infrastructure: <ul style="list-style-type: none">• Plant rain gardens.• Implement xeriscaping in design.	Not added
Install pervious pavements where practicable (e.g. when parking maximums are exceeded).	Not added

Note: Long Range Planning staff would not recommend a condition for the developer to provide a transit stop as part of the rezoning amendments for Sweetwater PUD as we have no transit route planned to serve this area on the Transit Plan map.

APEX TRANSPORTATION PLAN:

The proposed PUD amendment is not consistent with the Apex Transportation Plan which shows a future interchange at Richardson Road and Highway 64 consistent with NCDOT's US 64 Corridor Study. Staff requested that the Sweetwater PUD contain text reserving right-of-way for this future interchange when the initial Sweetwater PUD rezoning was submitted in 2014 and the PUD was subsequently approved with this reservation. In 2017, the PUD was amended to allow surplus parking and related facilities like lighting and storm drainage to be located within the reservation area in order to allow for use of the land until such time the right-of-way is purchased by NCDOT.

The main concern from staff is that removal of the reservation for the interchange would allow construction of buildings and critical site elements close to US 64 that eventually would have to be bought out and removed when the interchange is constructed. Development in the area needed as right-of-way will likely result in design constraints and/or higher impacts and costs of construction related to demolition of improvements including buildings and parking. In addition to the added cost to a state project would be the disruption to citizen's lives and businesses that the community has to deal with when the interchange project moves forward. Citizens and businesses ultimately blame the Town for allowing development in areas that should not have been developed.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of rezoning #22CZ03 Sweetwater PUD Amendment only if the applicant withdraws the request to remove the text requiring the reservation of right-of-way for the future interchange.



PLANNING BOARD RECOMMENDATION:

The Planning Board heard this rezoning at the April 11, 2022 meeting and unanimously recommended approval if the applicant withdraws the request to remove the text requiring the reservation of right-of-way for the future interchange.

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:

While the proposed rezoning does not affect consistency with the 2045 Land Use Map, the proposed rezoning to amend the current PUD-CZ zoning district is not reasonable in that the request to remove the reservation of right-of-way for the interchange is not consistent with the Apex Transportation Plan and US 64 Corridor Study.

The proposed rezoning is not in the public interest because the amendments to the existing PUD conditions to remove the reservation of right-of-way for the interchange will likely result in design constraints and/or higher costs and higher impacts of construction related to demolition of improvements including buildings and parking.

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 2045 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 10% provided that the PD Plan for PUD-CZ includes one or more of the following:
- (i) A non-residential component;
 - (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 #22CZ03

Townes at Westford

64

US 64 Hwy W

64

Self Storage
Lodge Rd

Smith
Farm PUD

Deck
Air
Park

Stratford at
Abbington

Core Banks St

Timken Forest Dr

Sweetwater

Greenway Aly

Lanasa Ln

Little Gem Ln

Richardson Rd

Poultney Aly

Russell Ln

Whale Bone Aly

Gloriosa St

Ruff Aly

Lowland St

Bryant Pond Ln



PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #:	<u>22CZ03</u>	Submittal Date:	<u>2-1-22</u>
Fee Paid	<u>\$ 600.00</u>	Check #	<u>Visa</u>

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Sweetwater PUD

Address(es): 3233 US 64 Highway, 0 Core Banks St., 0 US 64 Highway, 1051 Newland Ave., 1075 Newland Ave. Apex, NC 27523

PIN(s) 0722-45-3275, 0722-45-6374, 0722-45-8740, 0722-55-0034, 0722-54-4876, 0722-54-4404

_____ Acreage: 44.76 AC

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

Current 2045 LUM Designation: Community Mixed Use (CMU)

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:	<u>44.76 AC</u>
Area proposed as non-residential development:	Acreage:	<u>44.76 AC</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>100%</u>

Applicant Information

Name: ExperienceOne Homes, LLC

Address: PO Box 5509

City: Cary State: NC Zip: 27512

Phone: (919) 991-1428 E-mail: Dschmidt@E1Homes.com

Owner Information

Name: See attached list

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-mail: _____

Agent Information

Name: CE Group, Inc - Mitch Craig

Address: 301 Glenwood Avenue, Suite 220

City: Raleigh State: NC Zip: 27603

Phone: (919) 367-8790 E-mail: Mitch@CEGroupInc.com

Other contacts: _____

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 22CZ03

Submittal Date: 2-1-22

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 proposed residential and non-residential uses are consistent with the uses as defined by the Community Mixed Use category in the 2045 Land Use Map. CMU encourages the integration of residential and non-residential mixed-use uses.

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 land areas surrounding the Sweetwater PUD are a mixture of retail, residential (single family, townhome, apartments) and commercial. This PUD combines most of the surrounding uses into one project.

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

The Sweetwater PUD complies with the regulations in section 4.4 of the Town of Apex UDO as applicable for townhomes, multi-family or apartment, day care, and commercial uses, to the extent these regulations do not conflict with the PUD regulations.

PETITION PROCESS INFORMATION

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 architectural for the Sweetwater PUD will reflect the residential and non-residential scale and character of traditional Apex building Styles.

Service bays of non-residential uses will be located in the rear of structures. Variation in colors and materials will be considered to create visually engaging designs. Roof lines and materials will be varied to create visual interest and avoid repetition. Trash, parking and loading and odors will be screened from adjacent uses as required by the UDO and as set forth in the PUD regulations.

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 Sweetwater PUD will use exterior of the property to the extent practicable for RCA. This PUD will comply with all built upon area, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.7.

The commercial portion of the project will include multiple Electric Vehicle (EV) charging stations. This PUD will contain greater than 25% RCA.

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.

Public water and sewer facilities have been extended to the project and will be installed interior to the project by the Developer. The proposed PUD will meet all Public Facilities requirements in UDO Section 2.3.4(F)(1)(f).

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 PUD will improve the public health by providing all uses in a compact area, including residential, office, retail, commercial, medical and restaurants. A resident theoretically would not have to leave the development in order to eat, sleep, shop, work and go to the doctor.

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

The Sweetwater PUD has had a positive impact on the adjacent properties. The uses proposed in the PUD will/have enhanced the character of the adjacent properties and offer uses that compliment the adjacent properties.

PETITION PROCESS INFORMATION

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 PUD will not constitute a hazard due to traffic or noise as the traffic impacts will be mitigated by the road improvements shown in the PUD, TIA, etc. Other potential negative impacts are mitigated to the maximum extent practical by the design guidelines in the PUD documents.

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 Sweetwater PUD will comply with all other relevant portions of the Ordinance (UDO).

PIN	Real Estate ID	Owner	Mail Address 1	Mail Address 2	Deed Book	Deed Page	Deed Acres	Site Address	City	Owner Email	Owner Email
0722-55-0034	148944	KEPE1 STC, LLC	7001 BRUSH HOLLOW RD STE 200	WESTBURY NY 11590-1743	18792	51-55	18.33	3233 US 64 HWY W	APEX	EK@Kaled.com	Dschmidt@E1Homes.com
0722-54-4876	120755	KEPE1 STC, LLC	7001 BRUSH HOLLOW RD STE 200	WESTBURY NY 11590-1743	18792	51-55	5.9	1051 NEWLAND AVE	APEX	EK@Kaled.com	Dschmidt@E1Homes.com
0722-54-4404	476653	SWEETWATER LIGHTBRIDGE LLC	PO BOX 5509	CARY NC 27512-5509	17764	1056	1.38	1075 NEWLAND AVE	APEX		Dschmidt@E1Homes.com
0722-45-3275	436595	KEPE1 HOLDINGS LLC	7001 BRUSH HOLLOW RD STE 200	WESTBURY NY 11590-1743	18792	2056-2060	13.43	0 CORE BANKS ST	APEX	EK@Kaled.com	Dschmidt@E1Homes.com
0722-45-8740	444531	KEPE1 HOLDINGS LLC	7001 BRUSH HOLLOW RD STE 200	WESTBURY NY 11590-1743	18792	2056-2060	0.59	0 US 64 HWY W	APEX	EK@Kaled.com	Dschmidt@E1Homes.com
0722-45-6374	436584	KEPE1 HOLDINGS LLC	7001 BRUSH HOLLOW RD STE 200	WESTBURY NY 11590-1743	18792	2056-2060	1.79	0 US 64 HWY W	APEX	EK@Kaled.com	Dschmidt@E1Homes.com

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: **22CZ03**

Submittal Date: _____

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 #: 22CZ03 Submittal Date: _____

Proposed Subdivision/Development Information

Description of location: South of US 64 on the east and west sides of Richardson Road
Nearest intersecting roads: US 64 Highway and Richardson Road
Wake County PIN(s): 0722-45-3275, 0722-45-6374, 0722-45-8740, 0722-55-0034, 0722-54-4876, 0722-54-4404
Township: White Oak

Contact Information (as appropriate)

Contact person: Mitch Craig
Phone number: (919) 367-8790 Fax number: N/A
Address: 301 Glenwood Avenue, Suite 220 Raleigh, NC 27603
E-mail address: Mitch@CEGroupInc.com
Owner: See Attached List
Phone number: _____ Fax number: _____
Address: _____
E-mail address: _____

Proposed Subdivision/Development Name

1st Choice: Sweetwater
2nd Choice (Optional): _____

Town of Apex Staff Approval:

Town of Apex Planning Department Staff Date

STREET NAME APPROVAL APPLICATION

Application #: 22CZ03 Submittal Date: _____

Wake County Approval Date: _____

Guidelines:

- No names duplicating or sounding similar to existing road names
- Avoid difficult to pronounce names
- No individuals' names
- Avoid proper names of a business, e.g. Hannaford Drive
- Limit names to 14 characters in length
- No directionals, e.g. North, South, East, West
- No punctuation marks, e.g. periods, hyphens, apostrophes, etc.
- Avoid using double suffixes, e.g. Deer Path Lane
- All names must have an acceptable suffix, e.g. Street, Court, Lane, Path, etc.
- Use only suffixes which are Town of Apex approved
- Town of Apex has the right to deny any street name that is determined to be inappropriate

Information:

Description of location: South of US 64 on the east and west sides of Richardson Road

Nearest intersecting roads: US 64 Highway and Richardson Road

Wake County PIN(s): 0722-45-3275, 0722-45-6374, 0722-45-8740, 0722-55-0034, 0722-54-4876, 0722-54-4404

Township: White Oak

Contact information (as appropriate)

Contact person: Mitch Craig

Phone number: (919) 367-8790 Fax number: N/A

Address: 301 Glenwood Avenue, Suite 220 Raleigh, NC 27603

E-mail address: Mitch@CEGroupInc.com

Owner: See Attached List

Phone number: _____ Fax number: _____

Address: _____

E-mail address: _____

STREET NAME APPROVAL APPLICATION

Application #: 22CZ03 Submittal Date: _____

of roads to be named: 8

Please submit twice as many road names as needed, with preferred names listed first. Proposed road names should be written exactly as one would want them to appear. Town of Apex Planning Department staff will send all approved street names to the Wake County GIS Department for county approval. Please allow several weeks for approval. Upon approval Wake County GIS – Street Addressing will inform you of the approved street names.

Example: Road Name Suffix
 Hunter Street

- | | | | |
|----|--|----|-------|
| 1 | All Roads were previously approved as noted below: | 11 | _____ |
| 2 | Newland Avenue | 12 | _____ |
| 3 | Harrells Drive | 13 | _____ |
| 4 | Lawnview Lane | 14 | _____ |
| 5 | Rennert Place | 15 | _____ |
| 6 | Stokesdale Avenue | 16 | _____ |
| 7 | Richfield Drive | 17 | _____ |
| 8 | Moncure Place | 18 | _____ |
| 9 | _____ | 19 | _____ |
| 10 | _____ | 20 | _____ |

TOWN OF APEX STAFF APPROVAL

Town of Apex Staff Approval _____ Date _____

WAKE COUNTY STAFF APPROVAL:

GIS certifies that _____ names indicated by checkmark are approved.
 Please disregard all other names.

Comments:

Wake County GIS Staff Approval _____ Date _____

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 22CZ03

Submittal Date: _____

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Sweetwater Commercial PUD Amendment

(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.

KEPE1 Holdings, LLC, 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.

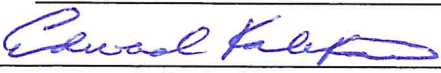
Please note that under North Carolina General Statute §160A-332, you may be entitled to choose another electric supplier for the Premises.

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: KEPE1 Holdings, LLC

TOWN OF APEX

BY: 
Authorized Agent

BY: _____
Authorized Agent

DATE: 1/18/2022

DATE: _____

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 22C703

Submittal Date: _____

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Sweetwater Commercial PUD Amendment

_____ (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.

KEPE1 STC, LLC, 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: KEPE1 STC, LLC - Ed Kalikow

TOWN OF APEX

BY: 
Authorized Agent

BY: _____
Authorized Agent

DATE: 1/26/2022

DATE: _____

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 22CZ03

Submittal Date: _____

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Sweetwater Commercial PUD Amendment

(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.

Sweetwater Lightbridge, LLC, 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: Sweetwater Lightbridge, LLC

TOWN OF APEX

BY: [Signature]
Authorized Agent

BY: _____
Authorized Agent

DATE: 1-25-2022

DATE: _____

AGENT AUTHORIZATION FORM

Application #: 22CZ03 Submittal Date: _____

KEPE1 Holdings, LLC is the owner* of the property for which the attached application is being submitted:

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

The property address is: 0 Core Banks, 0 US 64 Highway W

The agent for this project is: Joseph M. Craig, CE Group, Inc.

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


Agent Name: Joseph M. Craig

Address: 301 Glenwood Avenue, Suite 220, Raleigh, NC 27603

Telephone Number: (919) 367-8790

E-Mail Address: Mitch@CEGroupInc.com

Signature(s) of Owner(s)*



Edward Kalikow

Type or print name

9/18/2022

Date



David Schmidt

Type or print name

1-19-2022

Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: 22CZ03 Submittal Date: _____

KEPE1 STC, LLC is the owner* of the property for which the attached application is being submitted:

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

The property address is: 3233 US 64 Highway, 1051 Newland Avenue

The agent for this project is: Joseph M. Craig, CE Group, Inc.

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

Agent Name: Joseph M. Craig

Address: 301 Glenwood Avenue, Suite 220, Raleigh, NC 27603

Telephone Number: (919) 367-8790

E-Mail Address: Mitch@CEGroupInc.com

Signature(s) of Owner(s)*



Edward Kalikow
Type or print name

1/26/2022
Date



David Schmidt
Type or print name

1/26/2022
Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: 22CZ03

Submittal Date: _____

Sweetwater Lightbridge, LLC

is the owner* of the property for which the attached

application is being submitted:

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

The property address is: 1075 Newland Avenue

The agent for this project is: Joseph M. Craig, CE Group, Inc.

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


Agent Name: Joseph M. Craig

Address: 301 Glenwood Avenue, Suite 220, Raleigh, NC 27603

Telephone Number: (919) 367-8790

E-Mail Address: Mitch@CEGroupInc.com

Signature(s) of Owner(s)*

 , m6R.

David Schmidt

Type or print name

1-19-2022

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 #: 22C703

Submittal Date: _____

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

- 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 Core Banks Street, 0 US 64 Highway and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 11/10/2021, and recorded in the Wake County Register of Deeds Office on 11/12/2021, in Book 18792 Page 2056-2060.
- 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).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 11/10/2021, 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 11/10/2021, 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 26 day of January, 20 22.

[Signature] (seal)

Edward Kalikow
Type or print name

NEW YORK
STATE OF NORTH CAROLINA
COUNTY OF NASSAU

I, the undersigned, a Notary Public in and for the County of NASSAU, hereby certify that Edward Kalikow, 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.

JENNIFER J. GRIM
Notary Public State Of New York
No. 01GR6323464
Qualified In Nassau County 23
Commission Expires April 20, 2023

[Signature]
Notary Public
State of North Carolina NEW YORK
My Commission Expires: 4/20/2023

[NOTARY SEAL]

AFFIDAVIT OF OWNERSHIP

Application #: 22CZ03

Submittal Date: _____

The undersigned, Edward Kalikow (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 3233 US 64 HWY, 1051 Newland Ave. 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 11/10/2021, and recorded in the Wake County Register of Deeds Office on 11/10/2021, in Book 018792 Page 51-55.
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 11/10/2021, 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 11/10/2021, 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 26th day of January, 2022.

(seal)

Edward Kalikow

Type or print name

New York

STATE OF NORTH CAROLINA

COUNTY OF NASSAU

I, the undersigned, a Notary Public in and for the County of NASSAU, hereby certify that Edward Kalikow, 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.

JENNIFER J. GRIM
Notary Public State Of New York
No. 01GR6323464
Qualified In Nassau County
Commission Expires April 20, 2023

Notary Public
State of North Carolina New York
My Commission Expires: 4/20/2023

[NOTARY SEAL]

AFFIDAVIT OF OWNERSHIP

Application #: 22CZ03

Submittal Date: _____

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

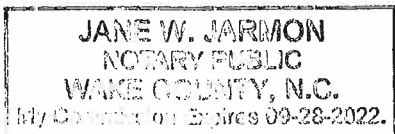
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1075 Newland Avenue and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
2. 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 2/26/20, and recorded in the Wake County Register of Deeds Office on 2/27/20, in Book 017764 Page 01056-01059.
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 2/27/20, 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 2/27/20, 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 25TH day of JANUARY, 2022

David Schmidt MGR (seal)
DAVID SCHMIDT, MANAGER
 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 David Schmidt, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC Driver's License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

Jane W. Jarmen
 Notary Public
 State of North Carolina
 My Commission Expires: 09-28-2022

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$N/A

Real Estate Identification Nos.: 0120755 and 0148944

Return to: Grantee

This instrument was prepared by: Weatherspoon & Voltz LLP

Brief description for the Index: Lots 8 and 9A, Sweetwater Subdivision, Apex, NC

THIS DEED is made this 10th day of November, 2021, by and between:

GRANTOR	GRANTEE
KEP APEX, LLC, a North Carolina limited liability company c/o The Kalikow Group 7001 Brush Hollow Road, Suite 200 Westbury, NY 11590	KEPE1 GLOBAL, LLC, a North Carolina limited liability company c/o The Kalikow Group 7001 Brush Hollow Road, Suite 200 Westbury, NY 11590

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple those certain lots or parcels of land situated in White Oak Township, Wake County, North Carolina and being described as follows:

Set forth on **Exhibit A** attached hereto and incorporated herein by reference.

The property hereinabove described was acquired by Grantor by instruments recorded in Book 16739, Page 1798, and Book 16739, Page 1802, Wake County Registry.

A map showing the above described property is recorded in Book of Maps 2021, Pages 676 and 677, Wake County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor hereby warrants that Grantor has done nothing to impair such title as Grantor received, and Grantor will forever warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following:

- 1. Ad valorem taxes for 2021 and subsequent years.
- 2. Easements, restrictions and rights-of-way of record.

All or a portion of the property herein conveyed includes or does not include the primary residence of Grantor.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed as of the day and year first above written.

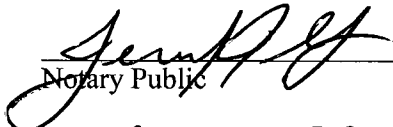
KEP APEX, LLC,
a North Carolina limited liability company

By: 
Edward M. Kalikow, Managing Member

STATE OF NEW YORK
COUNTY OF NASSAU

I certify that the following person(s) personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated: Edward M. Kalikow.

Date: October 29, 2021


Notary Public
Jennifer J. Grim
Printed Name

My commission expires: 4/20/2023

[Official seal]

JENNIFER J. GRIM
Notary Public State Of New York
No. 01GR6323464
Qualified In Nassau County
Commission Expires April 20, 2023

Exhibit A

BEING ALL of Lot 8 and Lot 9A, as shown and described on survey entitled "Master Subdivision Final Plat of Sweetwater Phase 9, Lots 8, 9 and 9A", prepared by CE Group, a plat of which is recorded in Book of Maps 2021, Pages 676 and 677, Wake County Registry, reference to such plat being hereby made for a more particular description of the metes, bounds, courses and distances of such parcels.

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$N/A

Real Estate Identification Nos.: 0120755 and 0148944

Return to: Grantee

This instrument was prepared by: Weatherspoon & Voltz LLP

Brief description for the Index: Lots 8 and 9A, Sweetwater Subdivision, Apex, NC

THIS DEED is made this 10th day of November, 2021, by and between:

GRANTOR	GRANTEE
KEPE1 GLOBAL, LLC, a North Carolina limited liability company c/o The Kalikow Group 7001 Brush Hollow Road, Suite 200 Westbury, NY 11590	KEPE1 STC, LLC, a North Carolina limited liability company c/o The Kalikow Group 7001 Brush Hollow Road, Suite 200 Westbury, NY 11590

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple those certain lots or parcels of land situated in White Oak Township, Wake County, North Carolina and being described as follows:

Set forth on **Exhibit A** attached hereto and incorporated herein by reference.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 18791, Page 2386, Wake County Registry.

A map showing the above described property is recorded in Book of Maps 2021, Pages 676 and 677, Wake County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

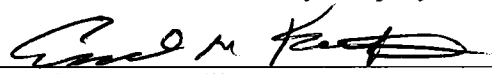
And the Grantor hereby warrants that Grantor has done nothing to impair such title as Grantor received, and Grantor will forever warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following:

- 1. Ad valorem taxes for 2021 and subsequent years.
- 2. Easements, restrictions and rights-of-way of record.

All or a portion of the property herein conveyed includes or does not include the primary residence of Grantor.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed as of the day and year first above written.

KEPE1 GLOBAL, LLC,
a North Carolina limited liability company


By: 
Edward M. Kalikow, Manager

~~By: _____~~
David Schmidt, Manager

STATE OF NEW YORK
COUNTY OF Nassau

I certify that the following person(s) personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated: Edward M. Kalikow.

Date: October 29th, 2021


Notary Public

Jennifer J. Grim
Printed Name

My commission expires: 4/20/2023

[Official seal]

JENNIFER J. GRIM
Notary Public State Of New York
No. 01GR6323464
Qualified In Nassau County
Commission Expires April 20, 2023

A map showing the above described property is recorded in Book of Maps 2021, Pages 676 and 677, Wake County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor hereby warrants that Grantor has done nothing to impair such title as Grantor received, and Grantor will forever warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following:

1. Ad valorem taxes for 2021 and subsequent years.
2. Easements, restrictions and rights-of-way of record.

All or a portion of the property herein conveyed includes or does not include the primary residence of Grantor.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed as of the day and year first above written.

KEPE1 GLOBAL, LLC,
a North Carolina limited liability company

By: _____
Edward M. Kalikow, Manager

By: David Schmidt
David Schmidt, Manager

~~STATE OF NEW YORK
COUNTY OF _____~~

~~I certify that the following person(s) personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated: Edward M. Kalikow.~~

~~Date: October ____, 2021~~

~~_____
Notary Public~~

~~_____
Printed Name~~

~~My commission expires: _____~~

~~[Official seal]~~

STATE OF NORTH CAROLINA
COUNTY OF Wake

I certify that the following person(s) personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated: David Schmidt.

Date: ^{November} ~~October~~ 5th, 2021


Notary Public

Carrie H. Stephenson
Printed Name

My commission expires: 12/15/21

[Official seal]

CARRIE H STEPHENSON
Notary Public, North Carolina
Harnett County
My Commission Expires
December 15, 2021

Exhibit A

BEING ALL of Lot 8 and Lot 9A, as shown and described on survey entitled "Master Subdivision Final Plat of Sweetwater Phase 9, Lots 8, 9 and 9A", prepared by CE Group, a plat of which is recorded in Book of Maps 2021, Pages 676 and 677, Wake County Registry, reference to such plat being hereby made for a more particular description of the metes, bounds, courses and distances of such parcels.

LAND DESCRIPTION FOR REZONING
PROPERTY OF EXPERIENCEONE HOMES, LLC KEPE1 STC, LLC

LYING AND BEING IN WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

COMMENCING AT A POINT, SAID POINT BEING THE NORTH EASTERN MOST PROPERTY CORNER OF KEPE1 STC, LLC AS RECORDED IN DEED BOOK 18792 PAGE 51 LYING ON THE SOUTHERN MARGIN OF US HIGHWAY 64) AND BEING A COMMON CORNER WITH 64 WEST BUSINESS CONDOS AS RECORDED IN DEED BOOK 8609 PAGE 1464; HAVING NORTH CAROLINA GRID COORDINATES OF NORTHING: 725,901.98' EASTING: 2,025,327.66' AS SHOWN IN BOOK OF MAPS 2016 PAGE 588; POINT IS HEREBY KNOWN AS **THE POINT OF BEGINNING**.

THENCE LEAVING MARGIN OF US 64 HIGHWAY IN A SOUTHERLY DIRECTION ALONG SAID COMMON LINE OF 64 WEST BUSINESS CONDOS PROPERTY S 01° 32' 52" W FOR A DISTANCE 687.66 FEET TO A POINT; SAID POINT BEING A COMMON CORNER WITH HWY 64 HOLDINGS; THENCE, S 88° 31' 32" E FOR A DISTANCE OF 190.35 FEET TO A POINT; THENCE, S 32° 00' 30" E FOR A DISTANCE OF 333.97 FEET TO A POINT; THENCE, S 00° 50' 49" E FOR A DISTANCE OF 414.52 FEET TO A POINT; SAID POINT LYING ALONG THE COMMON BOUNDARY OF THE ANS TRUST PROPERTY AT THE CENTERLINE OF CHANTICLAIR DRIVE; THENCE ALONG THE CENTER OF SAID DRIVE, S 27° 32' 58" W FOR A DISTANCE OF 176.79 FEET TO A POINT; THENCE, S 27° 37' 14" W FOR A DISTANCE OF 111.78 FEET TO A POINT; SAID POINT BEING THE CENTERLINE OF A ROUND-A-BOUNT IN CORE BANKS STREET; THENCE ALONG SAID STREET, N 76° 56' 05" W FOR A DISTANCE OF 160.47 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT, WITH A RADIUS OF 1000.00 FEET HAVING CHORD BEARING AND OF N 80° 40' 51" W FOR A DISTANCE OF 135.75' FEET TO A POINT; THENCE, N 84° 34' 21" W FOR A DISTANCE OF 209.33 FEET TO A POINT; THENCE WITH A CURVE TO THE RIGHT, WITH A RADIUS OF 1000.00 FEET HAVING CHORD BEARING AND OF N 73° 28' 23" W FOR A DISTANCE OF 385.03' FEET TO A POINT; THENCE, N 61° 45' 27" W FOR A DISTANCE OF 253.57 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT, WITH A RADIUS OF 700.00 FEET HAVING CHORD BEARING AND OF N 76° 06' 06" W FOR A DISTANCE OF 346.63' FEET TO A POINT; THENCE, S 89° 33' 47" W FOR A DISTANCE OF 7.59 FEET TO A POINT; SAID POINT BEING THE INTERSECTION OF CORE BANKS STREET AND THE COMMON BOUNDARY LINE OF STALEY C. SMITH AND AARON E. SMITH JR.; THENCE IN A NORTHERLY DIRECTION ALONG SAID COMMON LINE, N 00° 26' 13" W FOR A DISTANCE OF 1102.81 FEET TO A POINT; SAID POINT BEING A COMMON CORNER OF SKJD HOLDINGS, LLC AND LYING ON THE SOUTHERN MARGIN OF US 64 HIGHWAY; THENCE WITH SAID MARGIN, N 82° 54' 21" E FOR A DISTANCE OF 1231.79 FEET TO A POINT; SAID POINT BEING THE **POINT AND PLACE OF BEGINNING**, HAVING AN AREA OF 1,949,585 SQUARE FEET OR 44.76 ACRES MORE OR LESS.

BEING A PORTION OF PROPERTY ACQUIRED BY OWNERS IN DEED BOOK 16739 PAGE 1802 AND DEED BOOK 16823 PAGE 2446 OF THE WAKE COUNTY REGISTRY.

Wake County Residential Development Notification

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

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

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

Developer Company Information	
Company Name	KEP Apex, LLC / Experience One Homes, LLC.
Company Phone Number	(516) 876-4800 / (919) 991-1428
Developer Representative Name	Ed Kalikow / David Schmidt
Developer Representative Phone Number	(516) 876-4800 / (919) 991-1428
Developer Representative Email	Ed@Kaled.com / DSchmidt@E1Homes.com

New Residential Subdivision Information	
Date of Application for Subdivision	02/01/2022
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	Sweetwater
Address of Subdivision (if unknown enter nearest cross streets)	US Highway 64 & Richardson Road
REID(s)	436595, 436584, 444531, 148944, 120755, 476653
PIN(s)	0722-45-3275, 0722-45-6374, 0722-45-8740, 0722-55-0034, 0722-54-4876, 0722-54-4404

Projected Dates Information	
Subdivision Completion Date	August 2022
Subdivision Projected First Occupancy Date	March 2023

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
Single Family																
Townhomes																
Condos																
Apartments	230		18	120	92			650	1,350	\$1,600	\$2,200	2023	115	2024	115	
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.

01/07/2022

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
3233 US 64 Highway, 0 Core Banks St., 0 US 64 Highway, 0722-45-3275, 0722-45-6374, 0722-45-8740, 0722-55-0034,
1051 Newland Ave., 1075 Newland Ave. Apex, NC 27523 0722-54-4876, 0722-54-4404

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](#) or the [Apex Development Report](#) 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 type="checkbox"/> Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/> Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment 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 Owners of the Sweetwater Commercial properties would like to rezone the property in ord
to remove two (2) of the conditions outlined in the previous rezonings (16CZ21, 17CZ21 & 18CZ21).

Estimated submittal date: 02/01/2022

MEETING INFORMATION:

Property Owner(s) name(s):

See Attached List

Applicant(s):

Mitch Craig - CE Group, Inc.

Contact information (email/phone):

Mitch@CEGroupInc.com/(919) 367-8790

Meeting Address:

Halle Cultural Arts Center (237 N. Salem St. Apex, NC 27502)

Date/Time of meeting**:

January 25, 2022 6:30 pm - 8:30 pm

Welcome: **6:30-6:45 pm** Project Presentation: **6:45-7:15 pm** Question & Answer: **7:15-8:30 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>.

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: Sweetwater Commercial PUD Amendment Zoning: PUD-CZ
 Location: 3233 US 64 Highway, 0 Core Banks St., 0 US 64 Highway, 1051 Newland Ave., 1075 Newland Ave. Apex, NC 27523
 Property PIN(s): 0722-45-3275, 0722-45-6374, 0722-45-6740, 0722-55-0034, 0722-54-4876, 0722-54-4404 Acreage/Square Feet: ~ 41.42 AC

Property Owner: See Attached List
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Email: _____

Developer: ExperienceOne Homes, LLC. - David Schmidt
 Address: PO Box 5509
 City: Apex State: NC Zip: 27523
 Phone: (919) 991-1428 Fax: N/A Email: DSchmidt@E1Homes.com

Engineer: CE Group, Inc - Mitch Craig, PE
 Address: 301 Glenwood Avenue, Suite 220
 City: Raleigh State: NC Zip: 27603
 Phone: (919) 367-8790 Fax: N/A Email: Mitch@CEGroupInc.com

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

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

Town of Apex Department Contacts	
Planning 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, Traffic Engineering Manager	(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

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2nd and 4th Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

Construction Traffic:	James Misciagno	919-372-7470
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Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control:	Water Resources – Infrastructure Inspections	919-362-8166
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There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

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

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

Dirt in the Road:	James Misciagno	919-372-7470
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Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

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

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

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

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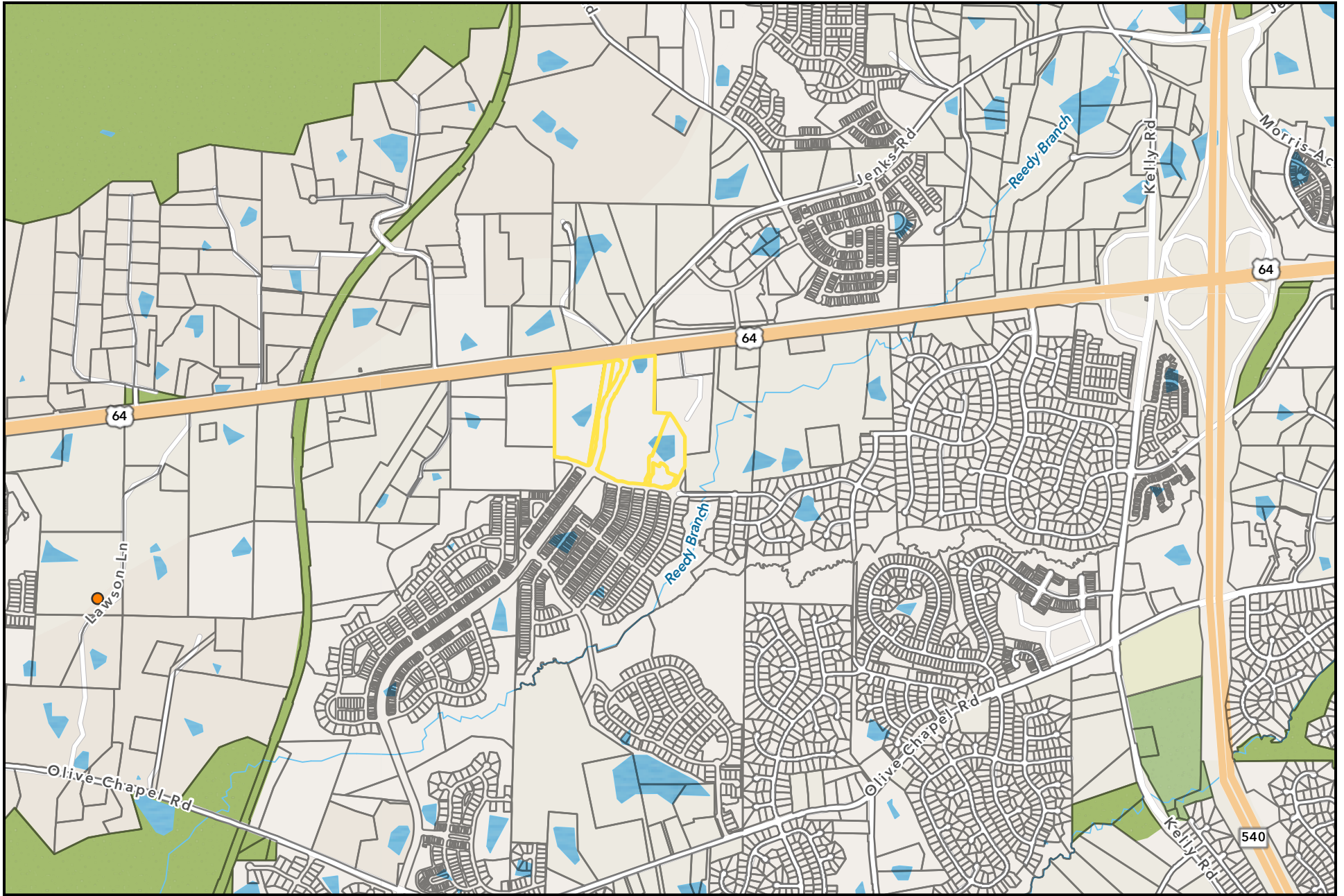
Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures:	Jessica Bolin	919-249-3537
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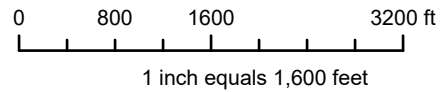
Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

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



Sweetwater PUD - Vicinity Map



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

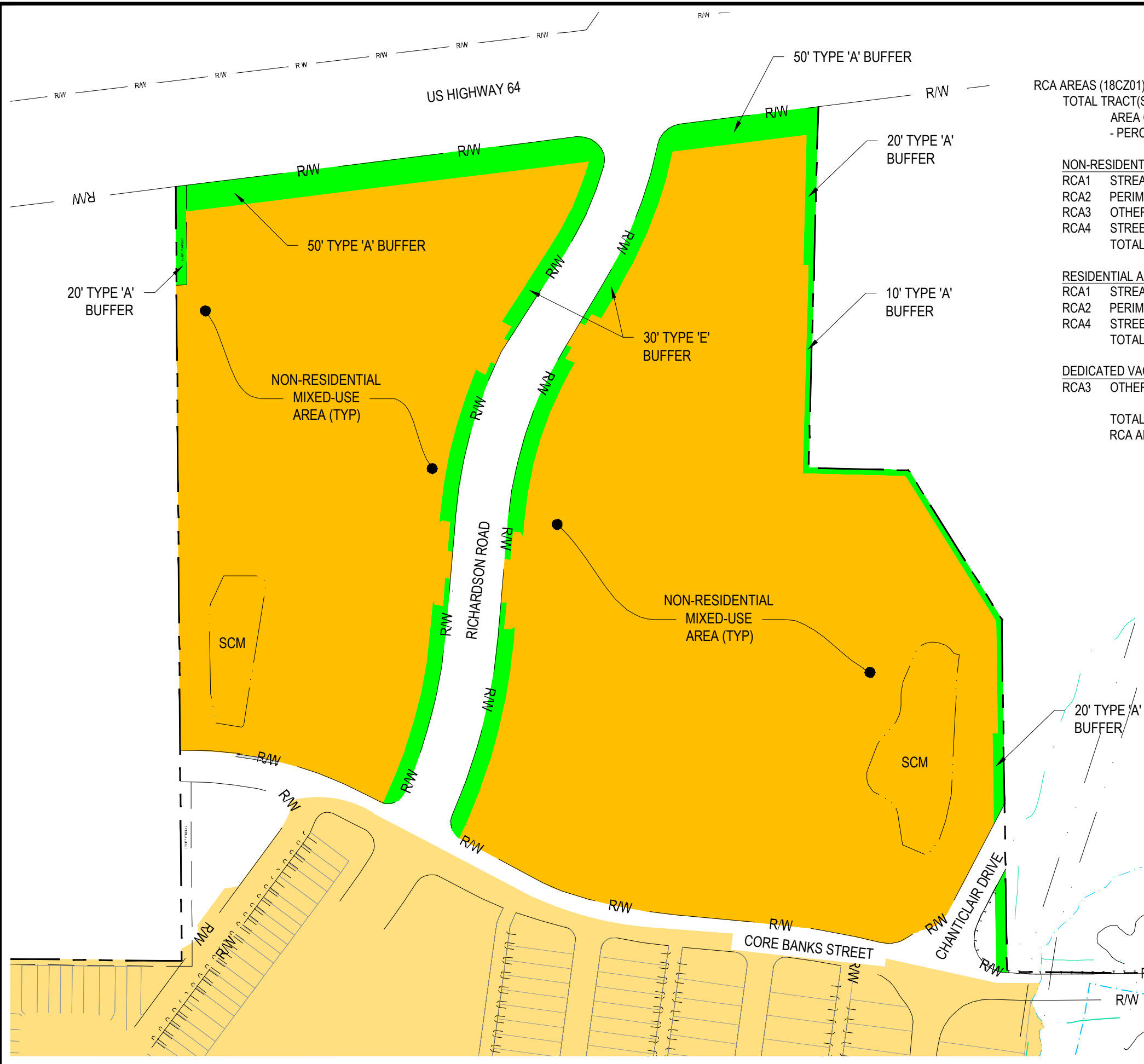
Sweetwater PUD Amendment

Proposed Rezoning Changes

December 23, 2021

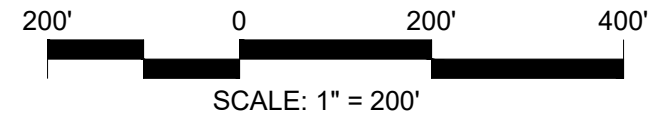
The PUD will retain all of the conditions from rezoning #16CZ21, #17CZ21 and #18CZ01 except:

1. Section 11: Public Facilities - Roadways #2: The developer shall propose a conceptual design for the future interchange at US 64 if offered as an alternative to the interchange recommended in the US 64 corridor study. Reservation of future public right-of-way for the interchange shall be determined based on Town of Apex and NCDOT review and approval of the interchange concept(s) if not based on the US 64 Corridor Study. This reservation shall be included in development plans and occur at the time of platting parcels for development adjacent to US 64.
2. Office: A minimum of 80,000 square feet of office will be provided in this section.
 - This requirement is requested to be reduced to 55,000 sf instead of 80,000 sf



RCA AREAS (18CZ01) REQUIRED:		
TOTAL TRACT(S) AREA:	164.79 AC	
AREA OF DEVELOPMENT:	164.79 AC	
- PERCENTAGES BELOW ARE OF DEVELOPED AREA RCA BUFFERS		
NON-RESIDENTIAL AREA (PHASES 9 & 10)		
45.65 AC (27.70%)		
RCA1	STREAM BUFFERS	0.00 AC
RCA2	PERIMETER BUFFERS	1.90 AC
RCA3	OTHER BUFFERS (TRACT PIN 0722730032)	0.00 AC
RCA4	STREET BUFFERS (RICHARDSON RD)	1.70 AC
TOTAL RCA AREA =		3.60 AC (2.18%)
RESIDENTIAL AREA (PHASES 1-8)		106.38 AC (65.55%)
RCA1	STREAM BUFFERS	26.41 AC
RCA2	PERIMETER BUFFERS	1.34 AC
RCA4	STREET BUFFERS (RICHARDSON RD)	1.88 AC
TOTAL RCA AREA =		29.63 AC (17.98%)
DEDICATED VACANT TRACT (NOT PART OF DEVELOPED AREA)		
RCA3	OTHER BUFFERS (TRACT PIN 0722730032)	13.20 AC
TOTAL RCA AREA:		46.43 AC
RCA AREA AS A PERCENTAGE OF DEVELOPED AREA:		28.18%

RESIDENTIAL	
MIXED USE	
RCA - (CURRENT)	
46.43 AC. (28.18%)	



CE GROUP
 301 GLENWOOD AVE. 220
 RALEIGH, NC 27603
 PHONE: 919-367-8790
 FAX: 919-322-0032
 www.cegroupinc.com
 License # C-1739

SWEETWATER
 PUD AMENDMENT
 LAYOUT PLAN
 12/23/2021

NORTH

PIN	Real Estate ID	Owner	Mail Address 1	Mail Address 2	Deed Book	Deed Page	Deed Acres	Site Address	City
0722-55-0034	148944	KEP APEX LLC	7001 BRUSH HOLLOW RD STE 200	WESTBURY NY 11590-1743	16739	1802	18.33	3233 US 64 HWY W	APEX
0722-54-4876	120755	KEP APEX LLC	7001 BRUSH HOLLOW RD STE 200	WESTBURY NY 11590-1743	16739	1798	5.9	1051 NEWLAND AVE	APEX
0722-54-4404	476653	SWEETWATER LIGHTBRIDGE LLC	PO BOX 5509	CARY NC 27512-5509	17764	1056	1.38	1075 NEWLAND AVE	APEX
0722-45-3275	436595	KEPE1 HOLDINGS LLC	7001 BRUSH HOLLOW RD STE 200	WESTBURY NY 11590-1743	18792	2056	13.43	0 CORE BANKS ST	APEX
0722-45-8740	444531	KEPE1 HOLDINGS LLC	7001 BRUSH HOLLOW RD STE 200	WESTBURY NY 11590-1743	18792	2056	0.59	0 US 64 HWY W	APEX
0722-45-6374	436584	KEPE1 HOLDINGS LLC	7001 BRUSH HOLLOW RD STE 200	WESTBURY NY 11590-1743	18792	2056	1.79	0 US 64 HWY W	APEX

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.

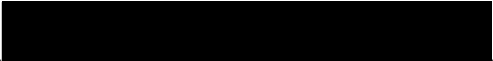
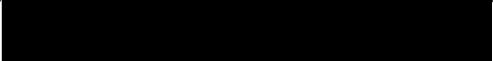
Meeting Address: Halle Cultural Arts Center (237 N. Salem St. Apex, NC 27502)

Date of meeting: 01/25/2022 Time of meeting: 6:30-8:30 pm

Property Owner(s) name(s): See Attached List

Applicant(s): Mitch Craig - CE Group, Inc.

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.	Wendy Raposo	1122 Russet Lane Apex, NC	(508) 287-3006		X
2.	Gennell Kessler	1110 Russet Lane Apex, NC	(919) 389-5239		X
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): See Attached List

Applicant(s): Mitch Craig - CE Group, Inc.

Contact information (email/phone): Mitch@CEGroupInc.com/(919) 367-8790

Meeting Address: Halle Cultural Arts Center (237 N. Salem St. Apex, NC 27502)

Date of meeting: 01/25/2022 Time of meeting: 6:30-8:30 pm

Please summarize the questions/comments and your responses from the Neighborhood Meeting or emails/phone calls received 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:

Is there going to be an overpass @ US-64 and Richardson Road

Applicant's Response:

The NCDOT has a plan for one in their long range plan but there are no designs in the works for it. The PUD Amendment is being submitted in order to remove the area of reservation that is intended for this future interchange.

Question/Concern #2:

Are the Michigan Lefts (Superstreet) on US 64 going to be signalized.

Applicant's Response:

A design for these signals has been approved by the Town and the NCDOT. The NCDOT will control when these can be installed. The Town has requested the improvements to US 64 and Richardson Road be completed before the first CO in Sweetwater.

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

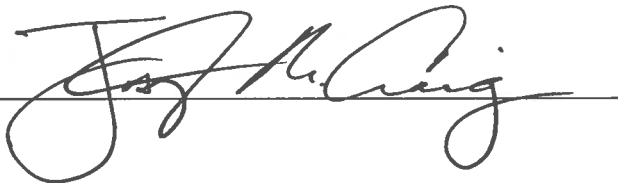
AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, Joseph M. Craig, do hereby declare as follows:
Print Name

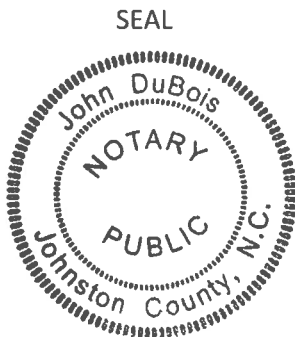
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, 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 Halle Cultural Arts Center (Apex, NC) (location/address) on 01/25/2022 (date) from 6:30 (start time) to 8:30 (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.

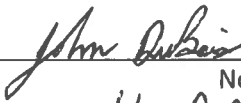
2/1/22
Date

By: 

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Johnston

Sworn and subscribed before me, John DuBois, a Notary Public for the above State and County, on this the 1st day of February, 20 22.




Notary Public
John DuBois
Print Name

My Commission Expires: 7/21/2023

Sweetwater PUD Amendment

Proposed Rezoning Changes

March 22, 2022

(Limited to Mixed-Use Portion of Project – North of Core Banks Street Only)

The PUD will retain all of the conditions from rezoning #16CZ21, #17CZ21 and #18CZ01 except:

I. **Revision to Section 6:**

Section 6: Design Controls

NONRESIDENTIAL/MIXED-USE AREAS:

Residential: Maximum 230 units: 2nd story and above only (no other residential permitted in this section).

Office: A minimum of ~~80,000~~ 55,000 square feet of office will be provided in this section.

II. **Revision to Section 11:**

Section 11: Public Facilities

Water and Sanitary Sewer: All lots will be served by Town of Apex public sanitary sewer and water. Refer to PD Plan Sheet 3 for conceptual connections to infrastructure within adjacent development and roadways in accordance with the minimum criteria of the Town of Apex Standards and Specifications. The utility design shall meet the requirements of the Town of Apex Utilities Master Plan. Concurrently with the Town of Apex construction plan review, the Town of Cary will only review and approve the sewer connection directly connecting to Reedy Branch outfall. Developer shall construct all water and sewer infrastructure for any specific phase prior to approval of the first plat for that specific phase.

Roadway: Internal Streets will be designed to Town of Apex public roads standards. The proposed development roadway system will be in accordance with the Apex Thoroughfare and Collector Street Plan. A functional alignment for the future Richardson Road thoroughfare will be created with the input from NCDOT and Town of Apex from its intersection with US 64 to the edge of the project area. The ultimate cross-section for the future Richardson Road will be 4 lane median divided facility on a 100-foot public right-of-way. In the initial phases of the development, the developer will construct a 2-lane median divided road. The final design will be determined at Master Subdivision Plan. The intersection of the future Richardson Road and US Highway 64 will comply with the NCDOT US 64 corridor plan, with interim measures. ~~to accommodate the ultimate~~

~~design for the interchange.~~ The developer will be responsible for construction of the interim measures deemed appropriate for by the Traffic Impact Analysis and NCDOT design criteria. Traffic calming devices, such as roundabouts, neighborhood traffic mini-circles and neckdown traffic facilities, will be incorporated at various locations within the proposed street network system. Based on neighborhood input and concurrences with Staff, a proposed traffic circle with directional islands will be located on Timken Forest Drive and the proposed street to the portion of the residential subdivision located adjacent to Abbingdon Subdivision.

Refer to PD Plan Sht-2 for proposed access points and planned/future connectivity access points shown are conceptual and will be finalized at the subdivision plan stage based on review of the Traffic Impact Analysis findings and recommendations. These findings and recommendations are:

1. The developer shall construct Richardson Road, serving as the major north-south thoroughfare south of US 64, on a minimum 100-foot public right-of-way as a median divided two-lane shoulder section thoroughfare or similar to be determined at the time of the subdivision and site plan submittal, allowing for future expansion to four-lane divided when needed. Developer shall construct Richardson Road and the required collector streets (except for the final lift of asphalt) prior to the first building permit.
- ~~2.—The developer shall propose a conceptual design for the future interchange at US 64 if offered as an alternative to the interchange recommended in the US 64 Corridor Study. Reservation of future public right of way for the interchange shall be determined based on Town of Apex and NCDOT review and approval of the interchange concept(s) if not based on the US 64 Corridor Study. This reservation shall be included in development plans and occur at the time of platting parcels for development adjacent to US 64. Surplus parking and related facilities (lighting, landscaping, and storm drainage, etc.) can be constructed within the reservation area; with the understanding that these improvements may be removed in the future. The developer shall make the necessary provisions to accommodate future loss of parking by appropriate site planning including addition of a 50' Type A Buffer behind the reservation area.~~
3. The developer shall construct a superstreet with left turn crossovers and downstream U-Turns on US 64 at the intersection of Richardson Road and Jenks Road based on the recommendations in the TIA and the US 64 Corridor Study subject to final approval. Final approval of storage lengths, lane geometry, and installation of traffic signals is subject to Town of Apex and NCDOT review and approval at the time of site and/or subdivision plans. The developer shall construct improvements according to the Town of Apex TIA review letter dated January 2, 2015, or as otherwise approved by Town of Apex and NCDOT during site and subdivision plan approval. Developer shall construct these US 64 improvements prior to the first building permit: the signal will be installed when warranted.
4. The developer shall monitor the superstreet intersections on US 64 during the development of Phase 1 (residential) and install traffic signals when warranted if not determined to be a responsibility of others prior to that time. Traffic signals at one or more locations on the superstreet may be warranted prior to build-out of Phase 1. This requirement does not prevent other developers from studying and installing traffic signals

and/or additional turning lanes if determined to be necessary improvements by other as part of other development approvals. If not installed in prior years, the developer shall install traffic signals and additional lanes recommended in the TIA as needed to serve site traffic during Phase 2 subject to Town of Apex and NCDOT review and approval.

5. The developer shall remove the concrete diverter island on Beaver Creek Commons Drive at Kelly Road and restripe as a through-left lane prior to first plat.
6. The developer shall provide traffic calming features in the horizontal design and layout of the street(s) connecting the proposed development and Stratford at Abbington subject to Town of Apex review and approval at the time of subdivision plans.

Alleys: The alleys will be constructed in accordance with Town of Apex Standards and Specifications.

Sidewalks: Sidewalks shall be provided on both sides of all streets and cul-de-sacs within the subdivision.

The following is a new condition that is being added with this rezoning:

I. New Section 17: Environmental Advisory Board

1. At least one (1) pet waste station shall be installed near the Hotel if the Hotel permits pets.

SWEETWATER PUD AMENDMENT PLANS

APEX, NC

JANUARY 2, 2018

REVISED: SEPTEMBER 18, 2018

REVISED: FEBRUARY 1, 2022

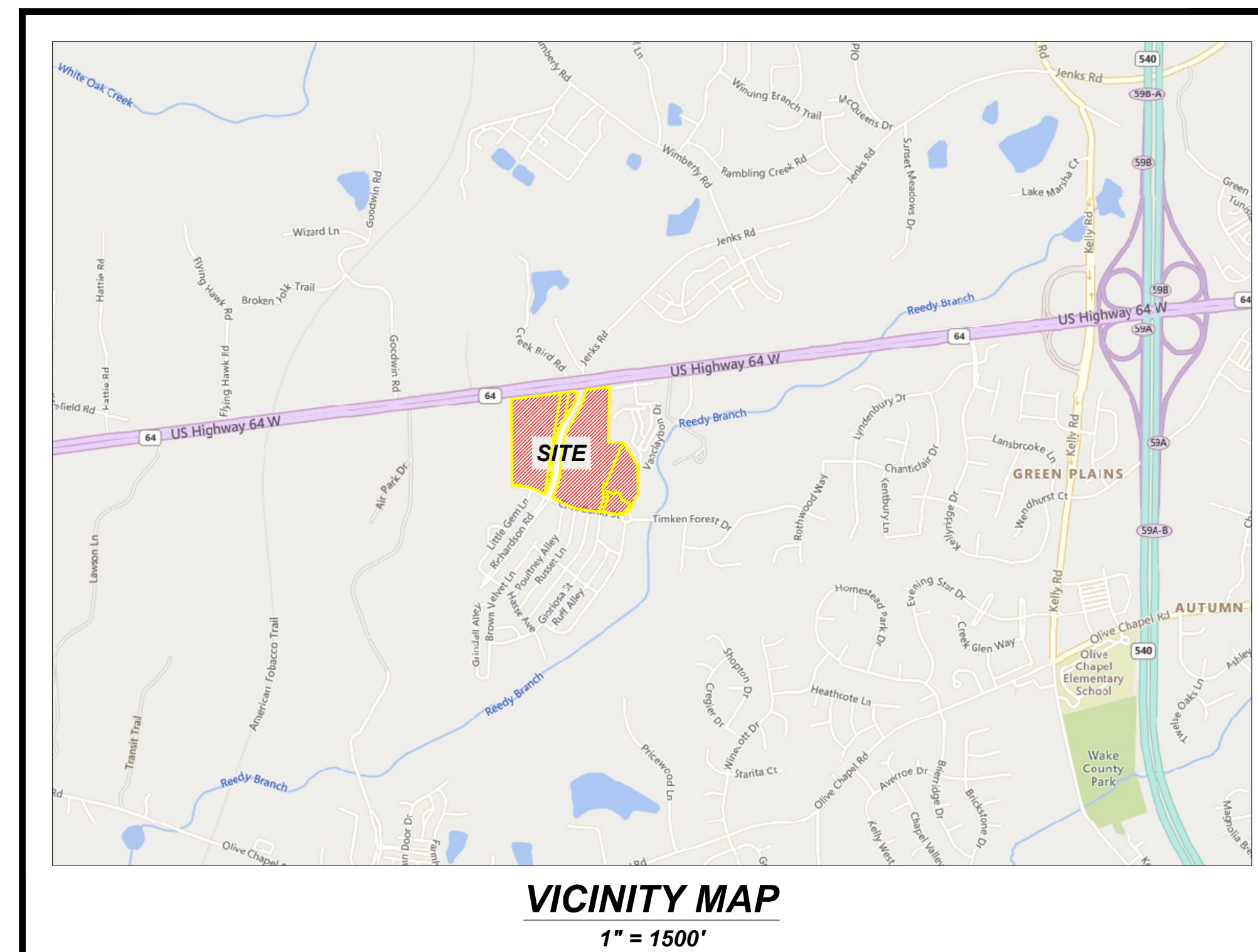
REVISED: MARCH 11, 2022

4	REVISED PER COMMENTS DATED 2/18/22	03/11/22
3	OWNER REVISIONS	02/01/22
2	REVISED PER COMMENTS DATED 2/19/18	09/07/18
1	REVISED PER COMMENTS DATED 1/22/18	02/09/18
NO.	REVISION	DATE



CE GROUP

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OWNERS	
SWEETWATER LIGHTBRIDGE, LLC	PO BOX 5509 CARY, NC 27512
KEP APEX, LLC	7001 BRUSH HOLLOW ROAD STE 200 WESTBURY, NY 11590
KEPE1 HOLDINGS, LLC	7001 BRUSH HOLLOW ROAD STE 200 WESTBURY, NY 11590
DEVELOPERS	
DAVID SCHMIDT LANNY CALDWELL COREY SCHMIDT	ExperienceOne Homes, LLC POST OFFICE BOX 5509 CARY, NC 27512 PHONE: 919-991-1402
ENGINEER	
MITCH CRAIG, PE LICENCE# 034332	CE GROUP, INC. 301 GLENWOOD AVE STE 220 RALEIGH, NC 27603 PHONE: 919-367-8790

AREA OF PUD MODIFICATION:

SWEETWATER LIGHTBRIDGE, LLC 0722544404	
KEP APEX, LLC 0722544876, 0722550034	41.42 AC.
KEPE1 HOLDINGS, LLC 0722453275, 0722456374, 0722458740	

- THIS PROJECT WAS REVIEWED BY THE PRCR ADVISORY COMMISSION ON DECEMBER 10, 2014 AND UNANIMOUSLY RECOMMENDS DEDICATION OF THE NECESSARY PUBLIC GREENWAY EASEMENTS AND CONSTRUCTION OF THE PUBLIC GREENWAY CONSISTENT WITH THE PRGOS MASTER PLAN. THE DEVELOPER WILL RECEIVE CREDIT FOR CONSTRUCTING THE GREENWAY AGAINST THE SUBDIVISION PARKS AND RECREATION FEES.
- REQUIRED ROADWAY IMPROVEMENTS:
 - THE DEVELOPER SHALL CONSTRUCT RICHARDSON ROAD, SERVING AS THE MAJOR NORTH-SOUTH THOROUGHFARE SOUTH OF US 64, ON A MINIMUM 100 FOOT PUBLIC RIGHT OF WAY AS A MEDIAN DIVIDED TWO-LAN SHOULDER SECTION THOROUGHFARE OR SIMILAR TO BE DETERMINED AT THE TIME OF SUBDIVISION AND SITE PLAN SUBMITTAL, ALLOWING FOR FUTURE EXPANSION TO FOUR-LANE DIVIDED WHEN NEEDED. DEVELOPER SHALL CONSTRUCT RICHARDSON ROAD AND THE REQUIRED COLLECTOR STREETS EXCEPT FOR THE FINAL LIFT OF ASPHALT PRIOR TO THE FIRST BUILDING PERMIT.
 - THE DEVELOPER SHALL PROPOSE A CONCEPTUAL DESIGN FOR THE FUTURE INTERCHANGE AT US 64 IF OFFERED AS AN ALTERNATIVE TO THE INTERCHANGE RECOMMENDED IN THE US 64 CORRIDOR STUDY. RESERVATION OF FUTURE PUBLIC RIGHT OF WAY FOR THE INTERCHANGE SHALL BE DETERMINED BASED ON TOWN OF APEX AND NCDOT REVIEW AND APPROVAL OF THE INTERCHANGE CONCEPT(S) IF NOT BASED ON US 64 CORRIDOR STUDY. THIS RESERVATION SHALL BE INCLUDED IN DEVELOPMENT PLANS AND OCCUR AT THE TIME OF PLATTING PARCELS FOR DEVELOPMENT ADJACENT TO US 64. SURPLUS PARKING AND RELATED FACILITIES (LIGHTING, LANDSCAPING, AND STORM DRAINAGE, ETC.) CAN BE CONSTRUCTED WITHIN THE RESERVATION AREA; WITH THE UNDERSTANDING THAT THESE IMPROVEMENTS MAY BE REMOVED IN FUTURE. THE DEVELOPER SHALL MAKE NECESSARY PROVISIONS TO ACCOMMODATE FUTURE LOSS OF PARKING BY APPROPRIATE SITE PLANNING INCLUDING ADDITION OF A 50' TYPE A BUFFER BEHIND THE RESERVATION AREA.
 - THE DEVELOPER SHALL CONSTRUCT A SUPERSTREET WITH LEFT TURN CROSSOVERS AND DOWNSTREAM U-TURNS ON US 64 AT THE INTERSECTION OF RICHARDSON ROAD AND JENKS ROAD BASED ON TOWN OF APEX AND NCDOT REVIEW AND APPROVAL OF THE INTERSECTION OF RICHARDSON ROAD AND JENKS ROAD BASED ON THE RECOMMENDATIONS IN THE TIA AND THE US 64 CORRIDOR STUDY SUBJECT TO FINAL APPROVAL. FINAL APPROVAL OF STORAGE LENGTHS, LANE GEOMETRY, AND INSTALLATION OF TRAFFIC SIGNALS IS SUBJECT TO TOWN OF APEX AND NCDOT REVIEW AND APPROVAL AT THE TIME OF SITE AND/OR SUBDIVISION PLANS. THE DEVELOPER SHALL CONSTRUCT IMPROVEMENTS ACCORDING TO THE TOWN OF APEX TIA REVIEW LETTER DATED JANUARY 2, 2015, OR AS OTHERWISE APPROVED BY TOWN OF APEX AND NCDOT DURING SITE AND SUBDIVISION PLAN APPROVAL. DEVELOPER SHALL CONSTRUCT THESE US 64 IMPROVEMENTS PRIOR TO THE FIRST BUILDING PERMIT; THE SIGNAL WILL BE INSTALLED WHEN WARRANTED.
 - THE DEVELOPER SHALL MONITOR THE SUPERSTREET INTERSECTIONS ON US 64 DURING DEVELOPMENT OF PHASE 1 RESIDENTIAL AND INSTALL TRAFFIC SIGNALS WHEN WARRANTED IF NOT DETERMINED TO BE A RESPONSIBILITY OF OTHERS PRIOR TO THAT TIME. TRAFFIC SIGNALS AT ONE OR MORE LOCATIONS ON THE SUPERSTREET MAY BE WARRANTED PRIOR TO BUILD-OUT OF PHASE 1. THIS REQUIREMENT DOES NOT PREVENT OTHER DEVELOPERS FROM STUDYING AND INSTALLING TRAFFIC SIGNALS AND/OR ADDITIONAL TURNING LANES IF DETERMINED TO BE NECESSARY IMPROVEMENTS BY OTHERS AS PART OF OTHER DEVELOPMENT APPROVALS. IF NOT INSTALLED IN PRIOR YEARS, THE DEVELOPER SHALL INSTALL TRAFFIC SIGNALS AND ADDITIONAL LANES RECOMMENDED IN THE TIA AS NEEDED TO SERVE SITE TRAFFIC DURING PHASE 2 SUBJECT TO TOWN OF APEX AND NCDOT REVIEW AND APPROVAL.
 - THE DEVELOPER SHALL REMOVE THE CONCRETE DIVERTER ISLAND ON BEAVER CREEK COMMONS DRIVE AT KELLY ROAD AND RE-STRIPE AS A THROUGH-LEFT LAN PRIOR TO FIRST PLAT.
 - THE DEVELOPER SHALL PROVIDE TRAFFIC CALMING FEATURES IN THE HORIZONTAL DESIGN AND LAYOUT OF THE STREET(S) CONNECTING THE PROPOSED DEVELOPMENT AND STRATFORD AT ABBINGTON SUBJECT TO TOWN OF APEX REVIEW AND APPROVAL AT THE TIME OF SUBDIVISION PLANS.
- WATER AND SEWER IMPROVEMENTS: DEVELOPER SHALL CONSTRUCT ALL WATER AND SEWER INFRASTRUCTURE FOR ANY SPECIFIC PHASE PRIOR TO APPROVAL OF THE FINAL PLAT FOR THAT SPECIFIC PHASE.

LAND USE SUMMARY	
RESIDENTIAL	
ACREAGE	106.38 + 13.20 AC. = 119.58 AC
PROPOSED UNITS	410
TOTAL DWELLING UNITS	640
PROPOSED DENSITY (SINGLE FAMILY, TOWNHOMES, APARTMENTS)	3.89 DU/AC
NON-RESIDENTIAL/MIXED USE AREAS	
ACREAGE	45.65 AC
APARTMENTS	230
MAX BUILDING HEIGHT	52 FT
WATERSHED PROTECTION DISTRICT:	PRIMARY
FLOODPLAIN:	
THERE IS FEMA FLOODPLAIN LOCATED ON THE SUBJECT PROPERTY PER FIRM MAP #372007200J, PANEL 0722J EFFECTIVE MAY 2, 2006	

SITE SUMMARY

RCA AREAS (16CZ21, 17CZ21, 18CZ01) REQUIRED:	
TOTAL TRACT(S) AREA:	164.79 AC
AREA OF DEVELOPMENT:	164.79 AC
- PERCENTAGES BELOW ARE OF DEVELOPED AREA RCA BUFFERS	
NON-RESIDENTIAL AREA (PHASES 9 & 10)	45.65 AC (27.70%)
RCA1 STREAM BUFFERS	0.00 AC
RCA2 PERIMETER BUFFERS	1.90 AC
RCA3 OTHER BUFFERS (TRACT PIN 0722730032)	0.00 AC
RCA4 STREET BUFFERS (RICHARDSON RD)	1.70 AC
TOTAL RCA AREA =	3.60 AC (2.18%)
RESIDENTIAL AREA (PHASES 1-8)	106.38 AC (65.55%)
RCA1 STREAM BUFFERS	26.41 AC
RCA2 PERIMETER BUFFERS	1.34 AC
RCA4 STREET BUFFERS (RICHARDSON RD)	1.88 AC
TOTAL RCA AREA =	29.63 AC (17.98%)
DEDICATED VACANT TRACT (NOT PART OF DEVELOPED AREA)	
RCA3 OTHER BUFFERS (TRACT PIN 0722730032)	13.20 AC
TOTAL RCA AREA:	46.43 AC
RCA AREA AS A PERCENTAGE OF DEVELOPED AREA:	28.18%

**EXISTING EXHIBIT INFORMATION
PROVIDED BY WITHERS RAVENEL**

OVERALL PUD INFORMATION:

MIXED USE DESIGNATED AREA=	45.65 AC
AREA IN R.O.W. =	4.23 AC
TOTAL MIXED USE DESIGNATED AREA=	41.42 AC
0722730032* =	13.20 AC.
*PARCEL LOCATED OUTSIDE OF MIXED USED DESIGNATED AREA	
TOTAL ACRES FOR ZONING=	164.79 AC.
CURRENT ZONING:	PUD-CZ
PROPOSED ZONING:	PUD-CZ
WATERSHED:	PRIMARY
HISTORIC STRUCTURES:	NONE

SWEETWATER EXISTING CONDITIONS

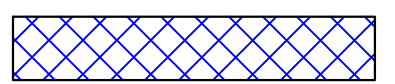

APEX, NORTH CAROLINA
 JANUARY 2, 2018
 (REVISED SEPTEMBER 18, 2018)
 (REVISED FEBRUARY 1, 2022)
 (REVISED MARCH 11, 2022)

INTERIOR PROPERTY OWNERS WITH PIN

SWEETWATER LIGHTBRIDGE, LLC
 0722544404

KEP APEX, LLC
 0722544876, 0722550034

KEPE1 HOLDINGS, LLC
 0722453275, 0722456374, 0722458740

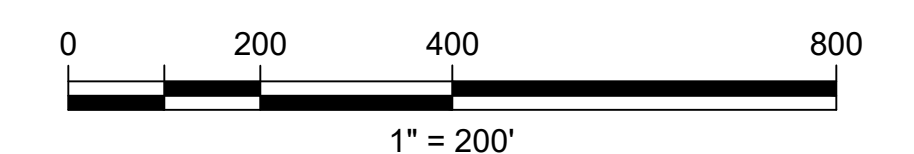
FEMA FLOODPLAIN - 10.78 AC 
 FEMA FLOODWAY - 11.80 AC 



CE GROUP

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 FAX: 919-322-0032

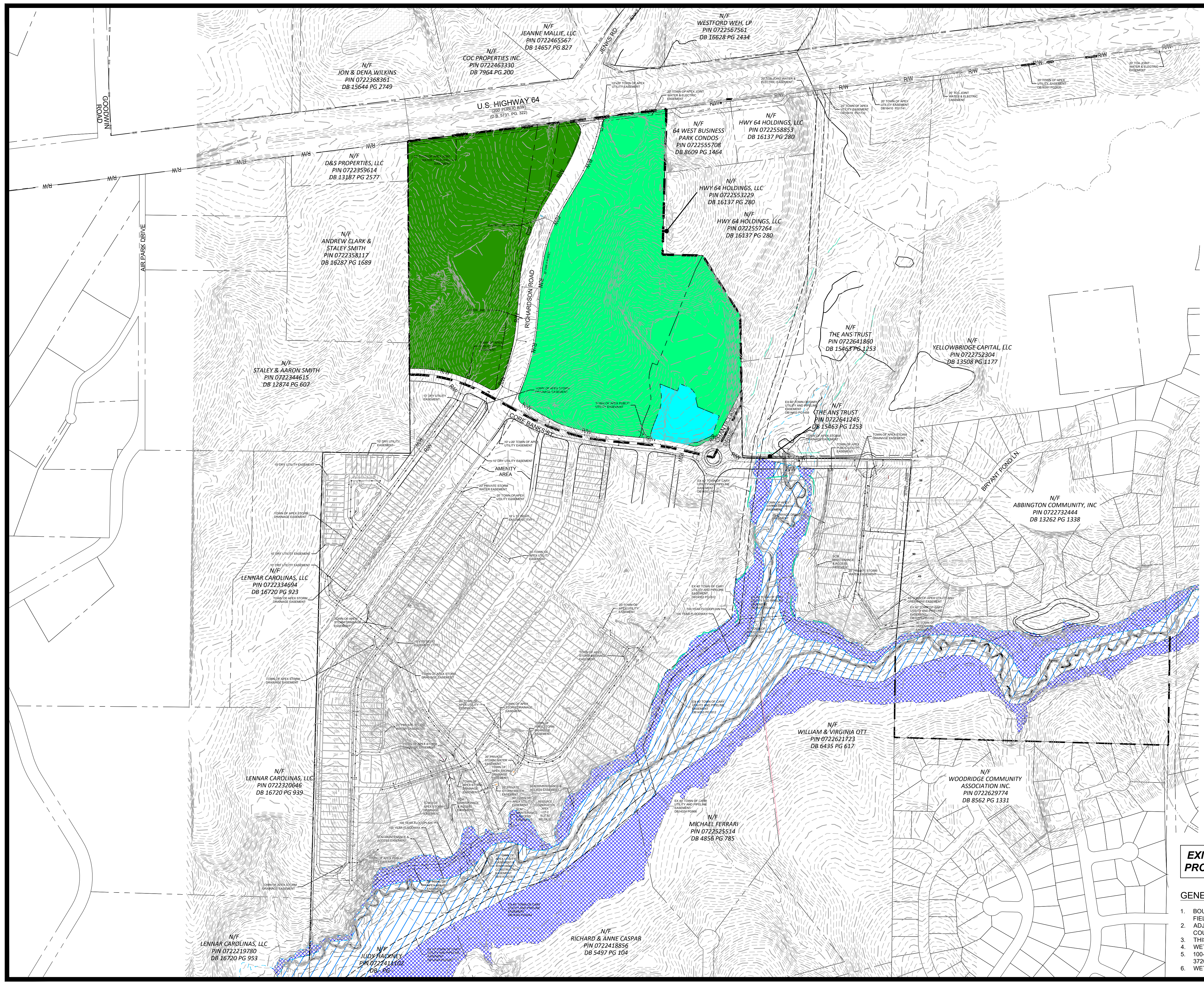
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EXISTING EXHIBIT INFORMATION PROVIDED BY WITHERS RAVENEL

GENERAL NOTES:

- BOUNDARY, TOPOGRAPHIC, AND UTILITY INFORMATION BASED ON ACTUAL FIELD SURVEY AND AVAILABLE WAKE COUNTY G.I.S. MAPPING
- ADJACENT PROPERTY OWNERSHIP AND ZONING INFORMATION FROM WAKE COUNTY G.I.S.
- THIS PROPERTY LIES WITHIN THE JORDAN LAKE WATERSHED
- WETLANDS DELINEATION PENDING.
- 100-YEAR FLOODPLAIN PER FEMA FLOOD INSURANCE RATE MAP 37200722001, DATED MAY 2, 2006.
- WETLAND BUFFER CALLS BY WITHERS & RAVENEL, APEX PROJECT ID 14-014.



SWEETWATER PRELIMINARY LAYOUT PLAN

APEX, NORTH CAROLINA
JANUARY 2, 2018
(REVISED SEPTEMBER 18, 2018)
(REVISED FEBRUARY 1, 2022)
(REVISED MARCH 11, 2022)

RCA AREAS (16C221, 17C221, 18C201) REQUIRED:	
TOTAL TRACT(S) AREA:	164.79 AC
AREA OF DEVELOPMENT:	164.79 AC
- PERCENTAGES BELOW ARE OF DEVELOPED AREA RCA BUFFERS	
NON-RESIDENTIAL AREA (PHASES 9 & 10)	
RCA1 STREAM BUFFERS	0.00 AC
RCA2 PERIMETER BUFFERS	1.90 AC
RCA3 OTHER BUFFERS (TRACT PIN 0722730032)	0.00 AC
RCA4 STREET BUFFERS (RICHARDSON RD)	1.70 AC
TOTAL RCA AREA =	3.60 AC (2.18%)
RESIDENTIAL AREA (PHASES 1-8)	
RCA1 STREAM BUFFERS	26.41 AC
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TOTAL RCA AREA =	29.63 AC (17.98%)
DEDICATED VACANT TRACT (NOT PART OF DEVELOPED AREA)	
RCA3 OTHER BUFFERS (TRACT PIN 0722730032)	13.20 AC
TOTAL RCA AREA:	46.43 AC
RCA AREA AS A PERCENTAGE OF DEVELOPED AREA:	28.18%

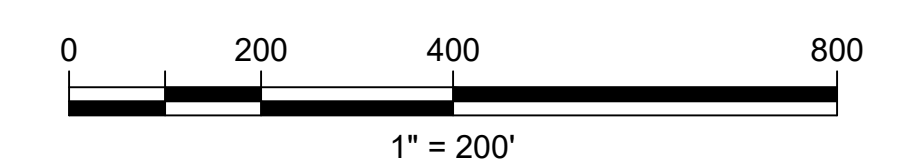
PUD SITE SUMMARY

RESIDENTIAL	
-ACREAGE	1119.24 AC
-UNITS	410 UNITS
NON-RESIDENTIAL	
-ACREAGE	145.47 AC
-APARTMENTS	230 UNITS
PUD BOUNDARY	---
POTENTIAL ACCESS	→

SITE LAYOUT NOTES:

- ALL ELEMENTS SHOWN ARE CONCEPTUAL. EXACT LOCATION WILL BE DETERMINED AT PRELIMINARY SUBDIVISION PLAN REVIEW AND APPROVAL.
- AN ANNEXATION PETITION SHALL BE SUBMITTED PRIOR TO THE SIGNING OF CONSTRUCTION PLANS.
- INTERNAL PUBLIC STREETS SHALL BE DEDICATED TO THE TOWN OF APEX. ROAD STUB-OUTS SHALL BE PROVIDED PER TOWN OF APEX REQUIREMENTS.
- GREENWAYS ARE LOCATED WITHIN THE SUBJECT PROPERTY PER THE TOWN OF APEX OPEN SPACE GREENWAY MAP. SIDEWALKS SHALL BE REQUIRED AND CONSTRUCTED IN ACCORDANCE WITH UDO SECTION 7.5.4
- RESOURCE CONSERVATION AREAS (RCA) SHALL BE PLATTED AT FINAL SUBDIVISION APPROVAL.
- PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE 1-FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
- SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAYFIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
- ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THE PHASE.
- NO SIGNS ARE APPROVED AS PART OF THE PUD PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED. MULTIPLE USE LOTS, NON-RESIDENTIAL SUBDIVISIONS, AND MULTIPLE TENANT LOTS MUST SUBMIT A MASTER SIGN PLAN FOR APPROVAL.

RESIDENTIAL	
MIXED USE	
RCA - (CURRENT)	
FUTURE TOWN OF APEX GREENWAY	
SCM(s)	



**EXISTING EXHIBIT INFORMATION
PROVIDED BY WITHERS RAVENEL**



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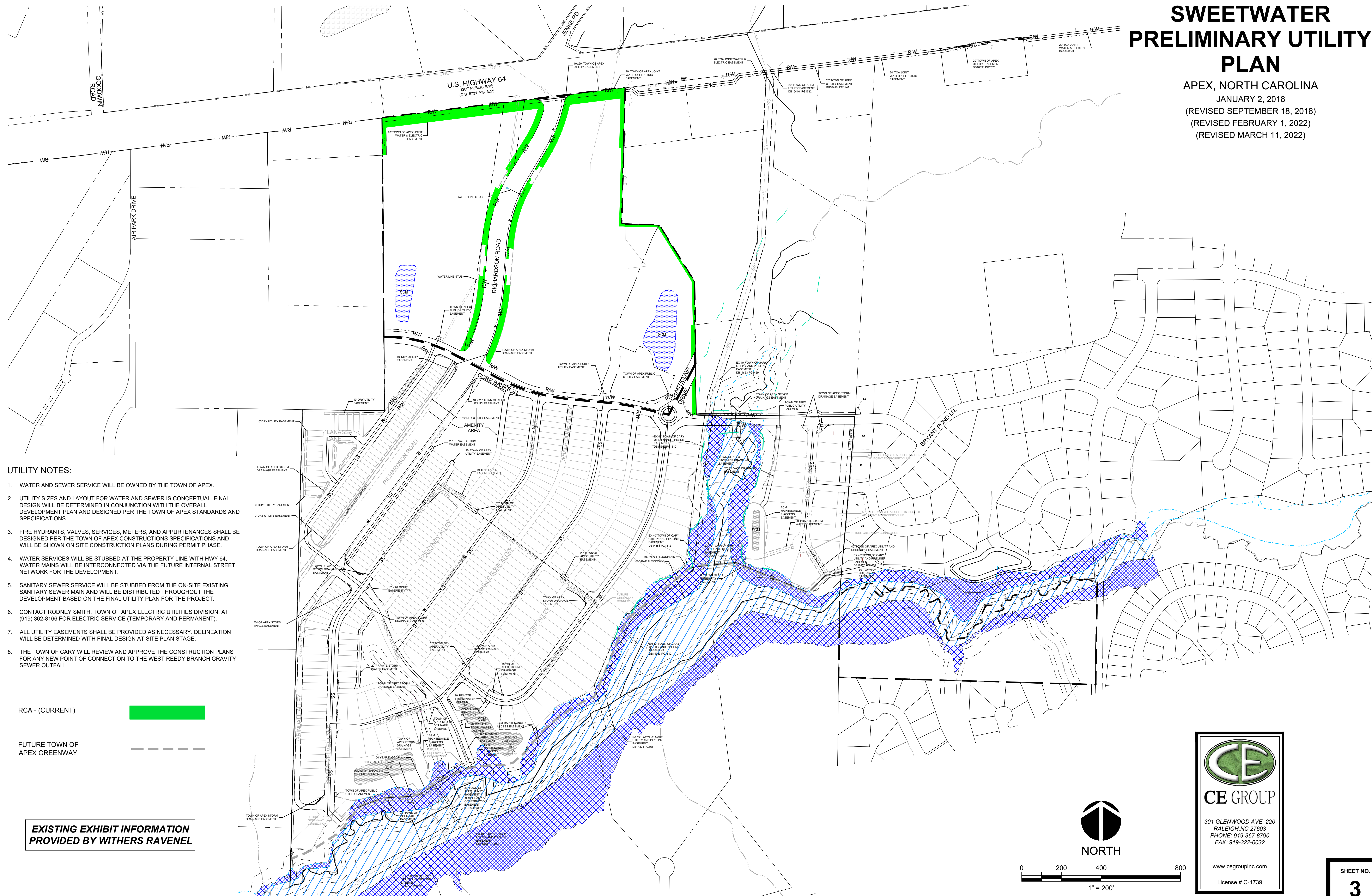
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SWEETWATER PRELIMINARY UTILITY PLAN

APEX, NORTH CAROLINA
 JANUARY 2, 2018
 (REVISED SEPTEMBER 18, 2018)
 (REVISED FEBRUARY 1, 2022)
 (REVISED MARCH 11, 2022)

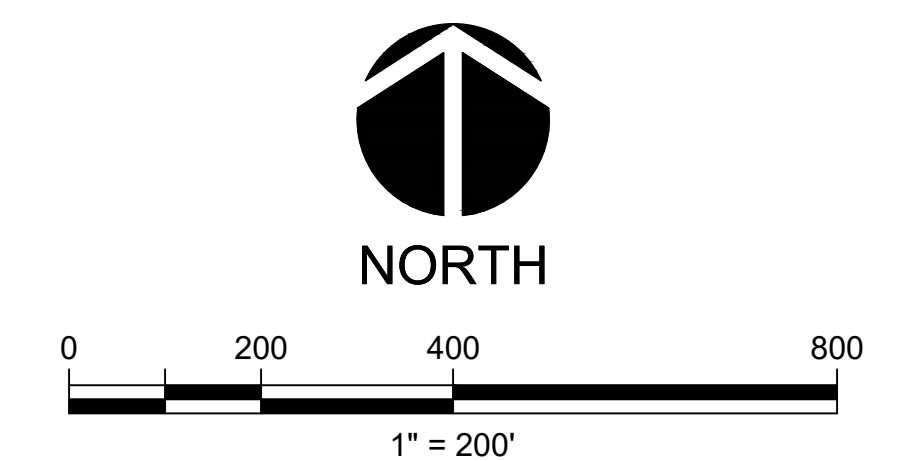


- UTILITY NOTES:**
1. WATER AND SEWER SERVICE WILL BE OWNED BY THE TOWN OF APEX.
 2. UTILITY SIZES AND LAYOUT FOR WATER AND SEWER IS CONCEPTUAL. FINAL DESIGN WILL BE DETERMINED IN CONJUNCTION WITH THE OVERALL DEVELOPMENT PLAN AND DESIGNED PER THE TOWN OF APEX STANDARDS AND SPECIFICATIONS.
 3. FIRE HYDRANTS, VALVES, SERVICES, METERS, AND APPURTENANCES SHALL BE DESIGNED PER THE TOWN OF APEX CONSTRUCTIONS SPECIFICATIONS AND WILL BE SHOWN ON SITE CONSTRUCTION PLANS DURING PERMIT PHASE.
 4. WATER SERVICES WILL BE STUBBED AT THE PROPERTY LINE WITH HWY 64. WATER MAINS WILL BE INTERCONNECTED VIA THE FUTURE INTERNAL STREET NETWORK FOR THE DEVELOPMENT.
 5. SANITARY SEWER SERVICE WILL BE STUBBED FROM THE ON-SITE EXISTING SANITARY SEWER MAIN AND WILL BE DISTRIBUTED THROUGHOUT THE DEVELOPMENT BASED ON THE FINAL UTILITY PLAN FOR THE PROJECT.
 6. CONTACT RODNEY SMITH, TOWN OF APEX ELECTRIC UTILITIES DIVISION, AT (919) 362-8166 FOR ELECTRIC SERVICE (TEMPORARY AND PERMANENT).
 7. ALL UTILITY EASEMENTS SHALL BE PROVIDED AS NECESSARY. DELINEATION WILL BE DETERMINED WITH FINAL DESIGN AT SITE PLAN STAGE.
 8. THE TOWN OF CARY WILL REVIEW AND APPROVE THE CONSTRUCTION PLANS FOR ANY NEW POINT OF CONNECTION TO THE WEST REEDY BRANCH GRAVITY SEWER OUTFALL.

RCA - (CURRENT)

FUTURE TOWN OF APEX GREENWAY

**EXISTING EXHIBIT INFORMATION
 PROVIDED BY WITHERS RAVENEL**





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License # C-1739

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 22CZ03 Sweetwater PUD Amendment

Planning Board Meeting Date: April 11, 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: 44.76

PIN(s): 0722453275, 0722456374, 0722458740, 0722550034, 0722544876, 0722544404

Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ01)

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

2045 Land Use Map: Mixed Use: High Density Residential/Office Employment/Commercial Services

Town Limits: Inside

Applicable Officially Adopted Plans:

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

2045 Land Use Map
 Consistent Inconsistent Reason: _____

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

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



Legislative Considerations:

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

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 22CZ03 Sweetwater PUD Amendment

Planning Board Meeting Date: April 11, 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: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 22CZ03 Sweetwater PUD Amendment

Planning Board Meeting Date: April 11, 2022



Planning Board Recommendation:

Motion: To recommend approval with conditions recommended by
staff in the staff report.

Introduced by Planning Board member: Ryan Akers

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 as recommended by staff in the staff report.

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

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

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 11th day of April 2022.

Attest:

A handwritten signature in black ink, appearing to read "Reginald Skinner".

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2022.04.11 20:04:07
-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 #22CZ03 Sweetwater PUD Amendment

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: David Schmidt, ExperienceOne Homes, LLC

Authorized Agent: Mitch Craig, CE Group, Inc.

Property Addresses: 3233 US 64 Highway, 0 Core Banks St., 0 US 64 Highway, 1051 & 1075 Newland Ave.

Acreage: ±44.76 acres

Property Identification Numbers (PINs): 0722453275, 0722456374, 0722458740, 0722550034, 0722544876, 0722544404

2045 Land Use Map Designation: Mixed Use: High Density Residential/Office Employment/Commercial Services

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ01)

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

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

Planning Board Public Hearing Date and Time: April 11, 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 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, 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. 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/38185>.

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



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ03

Sweetwater PUD Amendment (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: David Schmidt, ExperienceOne Homes, LLC

Agente autorizado: Mitch Craig, CE Group, Inc.

Dirección de las propiedades: 3233 US 64 Hwy, 0 Core Banks St., 0 US 64 Highway, 1051 & 1075 Newland Ave.

Superficie: ±44.76 acres

Números de identificación de las propiedades: 0722453275, 0722456374, 0722458740, 0722550034, 0722544876, 0722544404

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ01)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 11 de abril 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 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, 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. 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/38185>.

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

Fechas de publicación: 25 de marzo - 11 de abril de 2022



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ03
Sweetwater PUD Amendment**

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: David Schmidt, ExperienceOne Homes, LLC

Authorized Agent: Mitch Craig, CE Group, Inc.

Property Addresses: 3233 US 64 Highway, 0 Core Banks St., 0 US 64 Highway, 1051 & 1075 Newland Ave.

Acres: ±44.76 acres

Property Identification Numbers (PINs): 0722453275, 0722456374, 0722458740, 0722550034, 0722544876, 0722544404

2045 Land Use Map Designation: Mixed Use: High Density Residential/Office Employment/Commercial Services

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #18C201)

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

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

Planning Board Public Hearing Date and Time: April 11, 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 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, 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.calaighow.com/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/428. 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/38185>.

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

Published Dates: March 25 – April 11, 2022

Published Dates: March 25 – April 11, 2022



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ03
Sweetwater PUD Amendment (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 (JDO) 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:** David Schmidt, ExperienceOne Homes, LLC
- Agente autorizado:** Mitch Craig, CE Group, Inc.
- Dirección de las propiedades:** 3233 US 64 Hwy, 0 Core Banks St., 0 US 64 Highway, 1051 & 1075 Newland Ave.
- Superficie:** ±44.76 acres
- Números de identificación de las propiedades:** 0722453275, 0722456374, 0722458740, 0722550034, 0722544876, 0722544404
- Designación actual en el Mapa de Uso Territorial para 2045:** Mixed Use: High Density Residential/Office Employment/Commercial Services
- Ordenamiento territorial existente de las propiedades:** Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ01)
- Ordenamiento territorial propuesto para las propiedades:** Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 29 piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 11 de abril 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 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, 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: <http://maps.apexnc.org/iMAPS>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/418. 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: <http://www.apexnc.org/DocumentCenter/View/18115>.

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

Fechas de publicación: 25 de marzo - 11 de abril 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 #22CZ03
Sweetwater PUD Amendment
Project Location: 0 & 3233 US 64 Hwy W, 0 Core Banks St, 1051 & 1075 Newland Ave
Applicant or Authorized Agent: Mitch Craig
Firm: CE Group, Inc.

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 March 25, 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.

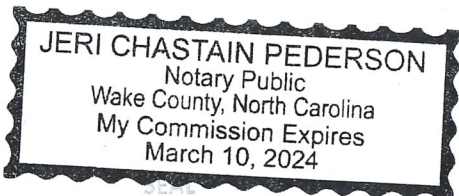
3/28/2022
Date

Sharon F. Klein
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

State and County, this the 28 day of March, 2022.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 3/10/2024



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ03 Sweetwater PUD Amendment

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: David Schmidt, ExperienceOne Homes, LLC

Authorized Agent: Mitch Craig, CE Group, Inc.

Property Addresses: 3233 US 64 Highway, 0 Core Banks St., 0 US 64 Highway, 1051 & 1075 Newland Ave.

Acreage: ±44.76 acres

Property Identification Numbers (PINs): 0722453275, 0722456374, 0722458740, 0722550034, 0722544876, 0722544404

2045 Land Use Map Designation: Mixed Use: High Density Residential/Office Employment/Commercial Services

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ01)

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

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd 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: April 26, 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 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, 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. 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/38185>.

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



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ03

Sweetwater PUD Amendment (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 el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: David Schmidt, ExperienceOne Homes, LLC.

Agente autorizado: Mitch Craig, CE Group, Inc.

Dirección de las propiedades: 3233 US 64 Highway, 0 Core Banks St, 0 US 64 Highway, 1051 & 1075 Newland Ave

Superficie: ±44.76 acres

Números de identificación de las propiedades: 0722453275, 0722456374, 0722458740, 0722550034, 0722544876, 0722544404

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ01)

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: 26 de abril 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 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, 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. 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/38185>.

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

Fechas de publicación: 1 de abril - 26 de abril de 2022

Public Hearing Agenda | April 26, 2022



TOWN OF APEX
PO BOX 2100
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22C203
Sweetwater PUD Amendment (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §360D-402 y con la Sección 2.2.13 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: David Schmidt, ExperienciaOne Homes, LLC.
Agente autorizado: Mitch Craig, CE Group, Inc.
Dirección de las propiedades: 3233 US 64 Highway, O Core Banks St, O US 64 Highway, 1051 & 1075 Newland Ave
Superficie: 644.76 acres
Números de identificación de las propiedades: 0722453275, 0722456374, 0722458740, 0722550034, 0722544876, 0722544404

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services
Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ01)
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 prepararán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el piso especificado o continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 26 de abril 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/watch?v=9wv0f9e9qpw>. Por favor visite 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, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 2100, 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 §106A-19.24 siguiendo los métodos especificados anteriormente. Los reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/watch?v=9wv0f9e9qpw>.

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://www.apexnc.org/DocumentCenter/View/4178>. 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/3818>.

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

Fechas de publicación: 1 de abril - 26 de abril de 2022



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ03
Sweetwater PUD Amendment

Pursuant to the provisions of North Carolina General Statutes §160C-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: David Schmidt, ExperienceOne Homes, LLC
Authorized Agent: Mitch Craig, CE Group, Inc
Property Addresses: 3233 US 64 Highway, 0 Core Banks St., 0 US 64 Highway, 1051 & 1075 Newland Ave.
Acreage: ±44.76 acres
Property Identification Numbers (PINs): 0722453275, 0722456374, 0722458740, 0722550034, 0722544876, 0722544604

2045 Land Use Map Designation: Mixed Use: High Density Residential/Office Employment/Commercial Services
Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ01)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd 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: April 26, 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/townofapexgov>. Please visit 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, 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/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 <http://imaps.apexnc.org/iimap>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/476. 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/38185>.

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

Published Date: April 1-April 26, 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 #22CZ03
Sweetwater PUD Amendment
Project Location: 0 & 3233 US 64 Hwy W, 0 Core Banks St, 1051 & 1075 Newland Ave
Applicant or Authorized Agent: Mitch Craig
Firm: CE Group, Inc.

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 1, 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.

4/4/2022
Date

Sharon F. Klein
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 4 day of April, 2022.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 3 / 10 / 2024



Rezoning #22CZ03

Townes at Westford

64

64

Deck Air Park

Smith Farm PUD

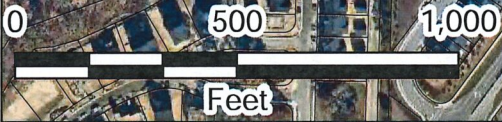
Sweetwater

Timken Forest Dr

Public Hearing Sign Posted By

[Signature]
Signature

2/8/2022
Date





TOWN OF APEX

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

**Public Hearing was closed; vote was
continued to June 14, 2022**

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #22CZ03

Sweetwater PUD Amendment

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: David Schmidt, ExperienceOne Homes, LLC

Authorized Agent: Mitch Craig, Ce Group, Inc.

Property Addresses: 3233 US 64 Highway, 0 Core Banks St., 0 US 64 Highway, 1051 & 1075 Newland Ave.

Acreage: ±44.76 acres

Property Identification Numbers (PINs): 0722453275, 0722456374, 0722458740, 0722550034, 0722544876, 0722544404

2045 Land Use Map Designation: Mixed Use: High Density Residential/Office Employment/Commercial Services

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ01)

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

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd 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: April 26, 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 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, 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. 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/38185>.

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



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

La audiencia pública fue cerrada; la votación se continuó hasta el 14 de junio de 2022

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ03

Sweetwater PUD Amendment (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 el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: David Schmidt, ExperienceOne Homes, LLC.

Agente autorizado: Mitch Craig, CE Group, Inc.

Dirección de las propiedades: 3233 US 64 Highway, 0 Core Banks St, 0 US 64 Highway, 1051 & 1075 Newland Ave

Superficie: ±44.76 acres

Números de identificación de las propiedades: 0722453275, 0722456374, 0722458740, 0722550034, 0722544876, 0722544404

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ01)

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.

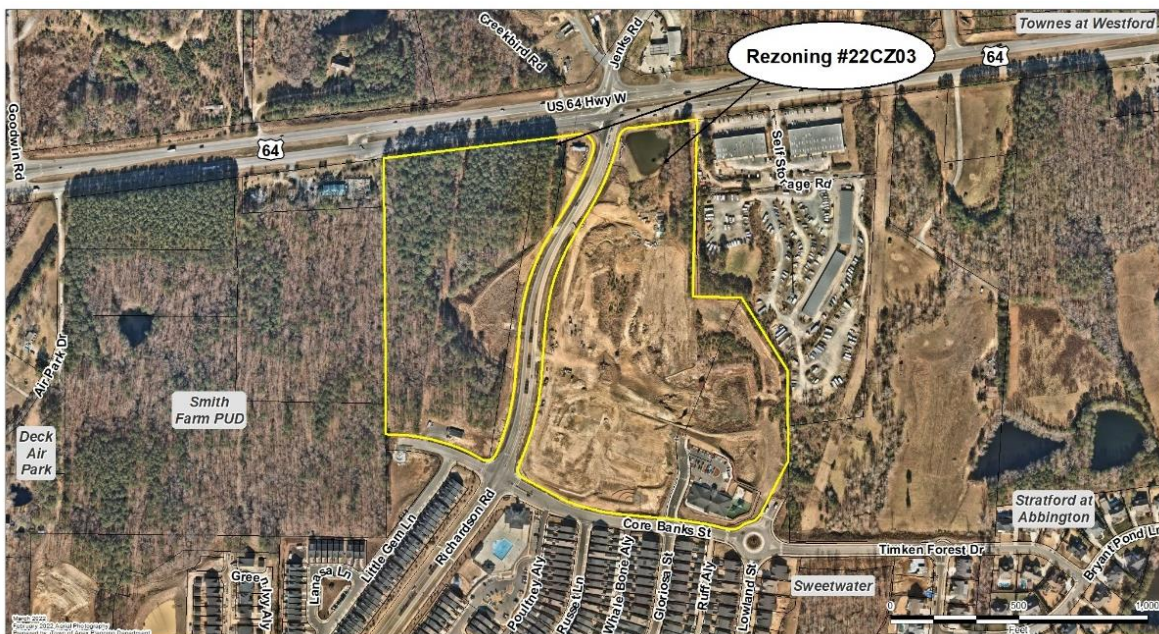
Fecha y hora de la audiencia pública del Consejo Municipal: 26 de abril de 2022 6:00 P.M.

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 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, 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:

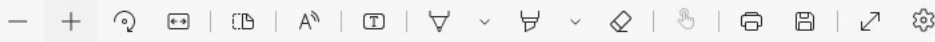


Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados 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. 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/38185>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 1 de abril - ~~26 de abril~~ **14 de junio** de 2022



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

La audiencia pública fue cerrada; la votación se continuó hasta el 14 de junio de 2022
NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ03
Sweetwater PUD Amendment (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 (UDU) 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: David Schmidt, ExperienceOne Homes, LLC.

Agente autorizado: Mitch Craig, CE Group, Inc.

Dirección de las propiedades: 3233 US 64 Highway, 0 Core Banks St, 0 US 64 Highway, 1051 & 1075 Newland Ave

Superficie: ±44.76 acres

Números de identificación de las propiedades: 0722453275, 0722456374, 0722458740, 0722550034, 0722544876, 0722544404

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ01)

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: 26 de abril 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 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, 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. 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/38185>.

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

Fechas de publicación: 1 de abril - ~~26 de abril~~ 14 de junio de 2022



TOWN OF APEX

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

**Public Hearing was closed; vote was
continued to June 14, 2022**

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ03 Sweetwater PUD Amendment

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: David Schmidt, ExperienceOne Homes, LLC

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Property Addresses: 3233 US 64 Highway, 0 Core Banks St., 0 US 64 Highway, 1051 & 1075 Newland Ave.

Acreage: ±44.76 acres

Property Identification Numbers (PINs): 0722453275, 0722456374, 0722458740, 0722550034, 0722544876, 0722544404

2045 Land Use Map Designation: Mixed Use: High Density Residential/Office Employment/Office Commercial

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ01)

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

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd 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: April 26, 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 www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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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.caleighncr.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/38185>.

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