

STAFF REPORT

Rezoning #22CZ23 Yellowbridge PUD Amendment

January 24, 2023 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: 2813 & 2817 US 64 Highway West
Applicant/Agent: Tucker Ennis, Lennar Carolinas, LLC.
Owner: Yellowbridge Capital, LLC.

PROJECT DESCRIPTION:

Acreage: ±48.2331 acres
PINs: 0722743789 & 0722752304
Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ06)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
Current 2045 Land Use Map: Medium Density Residential and Commercial Services
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Wake County Highway District (HD); Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ31)	Commercial; US 64 Highway West; Single- family Residential (Westford subdivision)
South:	Planned Unit Development-Conditional Use (PUD-CU #04CU15)	Single-family Residential (Stratford at Abbingtion subdivision)
East:	Rural Residential (RR); Medium Density Residential (MD)	Vacant; Single-family Residential (Abbingtion subdivision)
West:	Rural Residential (RR)	Vacant

EXISTING CONDITIONS:

The properties are situated on the south side of US 64 Highway West, adjacent to Chantclair Drive. The properties are north of Stratford at Abbingtion, west of Abbingtion, and east of Sweetwater subdivisions. The property located on 2817 US 64 Highway West is vacant with existing vegetation and a stream that bisects the property from west to east; and the property located on 2813 US 64 Highway West contains residential structures.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on October 24, 2022. The neighborhood meeting report is attached.

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was not requested for this rezoning as this rezoning is a PUD amendment for an architectural condition.

STAFF REPORT

Rezoning #22CZ23 Yellowbridge PUD Amendment

January 24, 2023 Town Council Meeting



2045 LAND USE MAP:

The 2045 Land Use Map designates the subject properties as Medium Density Residential and Commercial Services. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is consistent with that Land Use Map designations.

PLANNED UNIT DEVELOPMENT PLAN:

The intent of this PUD amendment is to amend Rezoning Case #22CZ06 Yellowbridge PUD in the following way:

The current Residential District Design Guideline #6 for single-family detached homes:

6. Garages on the front façade of a home that faces the street shall not exceed 30% of the total width of the house and garage together.

The following Residential District Design Guideline #6 for single-family detached homes shall be amended to:

6. Garages on the front façade of **homes** that **face** the street shall not exceed **50%** of the total width of the house and garage together.

No further changes are proposed.

ENVIROMENTAL ADVISORY BOARD:

This rezoning was exempt from meeting with the Apex Environmental Advisory Board (EAB) per Unified Development Ordinance (UDO) Section 2.1.9.A.2. The proposed rezoning is to amend a zoning condition for architectural standards.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #22CZ23 Yellowbridge PUD Amendment as proposed by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on January 9, 2023 and unanimously recommended approval with the amendment as proposed by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

The 2045 Land Use Map designates the subject properties as Medium Density Residential and Commercial Services. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is consistent with that Land Use Map designation.

Approval of the proposed rezoning is reasonable and in the public interest because it will provide additional flexibility with architectural design with no other changes to the approved PUD standards.



The proposed changes are generally consistent with the approved residential developments to the south and east.

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.

CONDITIONAL ZONING STANDARDS:

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

Legislative Considerations

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



interest.

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



Townes at
Westford

Castlereagh,
Section 2

US 64 Hwy W

Rezoning #22CZ23

Sweetwater

Stratford at
Abbington

Abbington

0 500 1,000
Feet



Matthew J. Carpenter

Attorney

t: 919-835-4032

MatthewCarpenter@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC
Washington, DC

December 1, 2022

Via Town of Apex IDT

Lauren Staudenmaier
Planner
Town of Apex
73 Hunter Street
Apex, NC 27502

RE: Yellowbridge Planned Unit Development Amendment; PINs 0722752304
and 0722743789 (the "Property")

Dear Lauren,

This letter is to inform you of a proposed PUD Amendment to amend the PUD Text as follows:

Residential District Design Guideline 6 for Single-Family detached homes on Pg. 14 shall be amended as follows by adding the language shown in underline and deleting the language shown in strikethrough:

6. Garages on the front façade of homes that face the street shall not exceed 350% of the total width of the house and garage together.

This is the only change proposed by the PUD Amendment.

Sincerely,



Matthew J. Carpenter



Matthew J. Carpenter

Attorney

t: 919-835-4032

MatthewCarpenter@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC
Washington, DC

November 1, 2022

Via Town of Apex IDT

Dianne Khin

Director of Planning and Community Development

Town of Apex

73 Hunter Street

Apex, NC 27502

RE: Planned Unit Development Amendment; PINs 0722752304 and
0722743789 (the "Property")

Dianne,

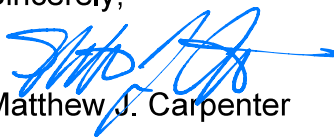
On September 13, 2022, the Apex Town Council voted to rezone the Property to Planned Unit Development Conditional ("PUD-CZ")(the "Rezoning") to facilitate the development of Yellowbridge, a community with single-family detached homes, townhomes, and commercial uses along US-64. The approval included development standards and conditions in the PUD text (the "PUD Text") and concept plan (the "Concept Plan").

Prior to the September 13 Town Council meeting, after several meetings and conversations with neighbors, the developer added additional architectural commitments to the PUD Text to require all single-family detached homes to have crawl space foundations, front porches, and decorative features, and replaced the single-family detached elevations on pg. 16 of the PUD Text with new elevations (the "New Elevations").

The developer was unaware that the New Elevations were inconsistent with Residential District design guideline 6 on pg. 14 of the PUD Text ("Standard 6") which states that garages shall not exceed 30% of the total width of the house and garage together. The developer now desires to amend Standard 6 to state that garages shall not exceed 50% of the total width of the house and garage together, consistent with the New Elevations. The proposed amendment is more specifically set forth in **Exhibit A** to this letter.

The remaining design standards and conditions in the PUD Text and Concept Plan will remain as approved by Town Council on September 13.

Sincerely,



Matthew J. Carpenter

Exhibit A to Letter re Yellowbridge PUD Amendment

ARCHITECTURAL STANDARDS

Yellowbridge PUD offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Elevations included are conceptual examples. Final elevations must comply with these architectural standards but may vary from the conceptual elevations. Further details may be provided at the time of Residential Master Subdivision Plan submittal.

RESIDENTIAL DISTRICT DESIGN GUIDELINES

Single-Family Detached:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. Garage doors shall have windows, decorative details or carriage-style adornments on them.
5. The garage shall not protrude more than 1 foot out from the front façade and front porch.
6. Garages on the front façade of homes that face the street shall not exceed ~~53~~30% of the total width of the house and garage together.
7. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
9. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
10. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
11. Front porches shall be a minimum of 5 feet deep.
12. No more than 25% of lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.

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 #:	_____	Submittal Date:	_____
Fee Paid	\$ _____	Check #	_____

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Yellowbridge
Address(es): 2813 and 2817 US 64 Hwy W
PIN(s) 0722743789 and 0722752304

_____ Acreage: 48.2331

Current Zoning: PUD-CZ Proposed Zoning: PUD-CZ w/ amended conditions

Current 2045 LUM Designation: Medium Density Residential/Commercial Services

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>N/A</u>
Area proposed as non-residential development:	Acreage:	<u>N/A</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>N/A</u>

Applicant Information

Name: Lennar Carolinas, LLC c/o Matthew Carpenter
Address: 301 Fayetteville Street, Suite 1400
City: Raleigh State: NC Zip: 27601
Phone: (919) 835-4032 E-mail: matthewcarpenter@parkerpoe.com

Owner Information

Name: Yellowbridge Capital, LLC
Address: 113 Mill Point Road
City: Kitty Hawk State: NC Zip: 27949-4082
Phone: N/A E-mail: N/A

Agent Information

Name: Lennar Carolinas, LLC attn. Tucker Ennis
Address: 1100 Perimeter Park Drive, Suite 112
City: Morrisville State: NC Zip: 27560
Phone: (919) 835-4032 E-mail: tucker.ennis@lennar.com

Other contacts: _____

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: _____

Submittal Date: _____

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 uses and density are not changing and are therefore consistent with the property's LUM designations.

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

The proposed uses and density are not changing and are therefore consistent with the property's LUM designations.

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

The proposed uses will comply with regulations in the PUD Text and supplemental standards in the UDO.

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 PUD Text and Concept Plan include mitigating conditions that will not change.

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 design of the PUD minimizes environmental impacts and will not be changed by the proposed amendment.

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

The proposed PUD Amendment will not have an adverse impact on public 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.

The only proposed change is to a single architectural condition. Thus, the approved PUD will not have an adverse effect on the health, safety, or welfare of residents.

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

The only proposed change is to a single architectural condition. Thus, the approved PUD will not have an adverse effect on 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 uses will not change and will not constitute a nuisance or hazard.

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

The proposed development will meet standards of the PUD and UDO.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: _____ Submittal Date: _____

Proposed Subdivision/Development Information

Description of location: 2813 and 2817 US 64 Hwy W

Nearest intersecting roads: US 64 Hwy W and Kellyridge Dr.

Wake County PIN(s): 0722743789 and 0722752304

Township: White Oak

Contact Information (as appropriate)

Contact person: Lennar Carolinas, LLC c/o Matthew Carpenter

Phone number: (919) 835-4032 Fax number: N/A

Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

E-mail address: matthewcarpenter@parkerpoe.com

Owner: Yellowbridge Capital, LLC

Phone number: _____ Fax number: _____

Address: 113 Mill Point Road, Kitty Hawk, NC 27949-4082

E-mail address: _____

Proposed Subdivision/Development Name1st Choice: Yellowbridge2nd Choice (*Optional*): _____**Town of Apex Staff Approval:**

Town of Apex Planning Department Staff _____ Date _____

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: _____ 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

2813 and 2817 US 64 Hwy W

(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.

Yellowbridge Capital, 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: Yellowbridge Capital, LLC

TOWN OF APEX

BY: Tucker Ennis

BY: _____

Authorized Agent

Authorized Agent

DATE: 11/1/2022

DATE: _____

AGENT AUTHORIZATION FORM**Application #:** _____**Submittal Date:** _____

Yellowbridge Capital, 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: 2813 and 2817 US 64 Hwy W, Apex, NC, 27523

The agents for this project are: Tucker Ennis and Stephen Dorn

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

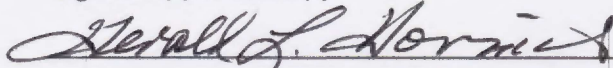
Agent Names: Tucker Ennis and Stephen Dorn

Address: 1100 Perimeter Park Drive, Suite 112, Morrisville, NC 27560

Telephone Number: (919) 835-4032

E-Mail Address: tucker.ennis@lennar.com

Signature(s) of Owner(s)*



Gerald Hornick, as Manager of Yellowbridge Capital, LLC

Type or print name

10/25/22

Date

GERALD L. HORNICK

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 #:

Submittal Date:

The undersigned, Tucker Ennis (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 2813 and 2817 US 64 Hwy W 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. 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).
4. To Affiant's knowledge, no claim or action has been brought against the owners of the property 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 OCT, 2022.



Tucker Ennis

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, the undersigned, a Notary Public in and for the County of WAKE, hereby certify that TUCKER ENNIS, 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.



Notary Public

State of North Carolina

My Commission Expires: MAY 1ST, 2027

[NOTARY SEAL]

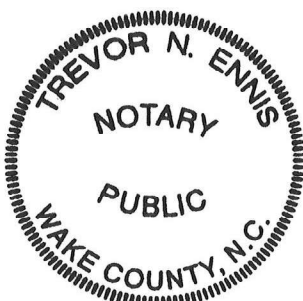


Exhibit A
To Owner Affidavit for
Yellowbridge Rezoning
Legal Description

PIN# 0722752304 & 0722743789

All that certain real property situated in White Oak Township, Wake County, North Carolina, described as follows:

Beginning at a set iron rod on the northern right of way line of Chantclair Drive, said iron rod marking the southwestern corner of Lot 74 as said lot is shown and so designated on that certain subdivision plat entitled "Windsor at Abbington – Phase 1, Section A, Map 2, Lots 24-27 & 65-74" recorded in Book of Maps 1998, Page 203, Wake County Registry; thence along the northern right of way line of Chantclair Drive, South 89°37'45" West 280.73 feet to a set iron rod; thence South 00°22'15" East 30.04 feet to a set iron rod at the centerline of the western terminus of Chantclair Drive and the northeastern corner of the 0.08 acre Reserved Area depicted on that certain subdivision plat entitled "Stratford at Abbington, Phase 1: Lots 1-31, 65-75, Owner: Highway 64, LLC" recorded in Book of Maps 2006, Pages 2638 to 2640, Wake County Registry; thence along the northern and western boundary of said Reserved Area and continuing along the northwestern boundary of said Stratford at Abbington subdivision the following nine courses: (1) South 89°37'45" West 118.01 feet to a set iron rod; (2) South 05°29'21" West 40.93 feet to a set iron rod; (3) South 01°54'29" East 98.00 feet to a set iron rod; (4) South 11°29'28" East 62.80 feet to a set iron rod; (5) South 22°27'50" West 118.06 feet to a found iron pipe; (6) South 70°08'38" West 118.71 feet to a found iron pipe; (7) South 77°30'46" West 65.05 feet to a found iron pipe; (8) South 73°46'05" West 40.75 feet to a found iron pipe; and (9) South 73°28'08" West 311.49 feet to a found iron pipe at an angle point in the northern boundary of Lot 64 as said lot is shown and so designated on that certain subdivision plat entitled "Stratford at Abbington, Phase 2: Lots 32-64, Owner: Highway 64, LLC" recorded in Book of Maps 2008, Pages 33 and 34, Wake County Registry; thence along the northern boundary of said Stratford at Abbington Phase 2 subdivision South 82°16'49" West 758.57 feet to a found iron pipe with cap at the northwestern corner of Lot 56 of said Stratford at Abbington Phase 2 subdivision, said point also being on the eastern boundary of Lot 2 as said lot is shown and so designated on that certain plat entitled "Recombination Survey for Cecil V. Campfield and Wife Sharon K. Campfield" recorded in Book of Maps 1995, Page 334, Wake County Registry; thence along the eastern boundary of said Campfield plat the following two courses: (1) North 03°08'59" East 417.75 feet to a found bent iron pipe; and (2) North 03°12'21" East 406.54 feet to a found iron pipe with cap at the southeastern corner of Lot 'A' as said lot is shown and so designated on that certain plat entitled "Recombination for Joel V. Perry" recorded in Book of Maps 1985, Page 522, Wake County Registry; thence along the eastern boundary of said Perry plat North 03°11'42" East 841.95 feet to a found iron rod with cap on the southern right of way line of U.S. Highway 64; thence along said southern right of way line North 82°54'26" East 331.57 feet to a set iron rod at the northwestern corner of the parcel depicted on that certain plat entitled "Boundary Survey, Property of Calvin Mills, Prepared for David and Sharon Raymer" recorded in Book of Maps 2004, Page 698, Wake County Registry; thence along the western, southern and eastern boundary of said Mills plat the following three courses: (1) South 07°08'43" East 189.52 feet to a found iron pipe; (2) North 82°51'17" East 420.02 feet to a found iron pipe; and (3) North 07°08'43" West 189.14 feet to a set iron rod on the southern right of way line of U.S.

Highway 64; thence along said southern right of way line the following two courses: (1) North 82°54'26" East 265.68 feet to a set iron rod; and (2) North 82°53'08" East 305.02 feet to a set iron rod at the northwestern corner of Area "B" as shown and so designated on that certain plat entitled "Property of Blakely-Braswell Land Company, LLC" recorded in Book of Maps 1996, Page 634, Wake County Registry; thence along the western boundary of said Area "B", South 11°47'52" West 42.58 feet to a found iron pipe with cap at the northwestern corner of Tract 'A' as said lot is shown and so designated on that certain plat entitled "Property of Calvin E. Mills, Alta Belle P. Mills, Ted Mills & Randy Mills By William R. Hoke & Paul Stam, Jr., Co-trustees" recorded in Book of Maps 1984, Page 404, Wake County Registry; thence along the western and southern boundaries of said Mills plat the following five courses: (1) South 07°43'26" West 146.44 feet to a found iron pipe with cap; (2) South 03°03'23" East 318.20 feet to a found iron pipe with cap; (3) South 05°04'48" West 519.04 feet to a found iron pipe with cap; (4) South 15°45'44" West 60.82 feet to a found iron pipe with broken cap; and (5) South 89°57'43" East 359.26 feet to a found iron pipe with cap on the western boundary of Lot 73 of the previously mentioned Windsor at Abbingtion subdivision plat recorded in Book of Maps 1998, Page 203, Wake County Registry; thence along the western boundary of said Windsor at Abbingtion subdivision South 02°25'07" East 148.61 feet to the point of beginning.

Containing 48.2331 acres, more or less, and being all of Lot "B" as said lot is shown and so designated on that certain plat entitled "Subdivision, Property of Gaither Bryant Garner, Jr. and Gerald L. Hornick" recorded in Book of Maps 1984, Page 1516, Wake County Registry, TOGETHER WITH all of Tract 1 as said tract is shown and so designated on that certain plat entitled "Division for Gerald L. Hornick, et ux and G. Bryant Garner, et ux" recorded in Book of Maps 2003, Page 474, Wake County Registry, LESS AND EXCEPT the area dedicated as public right of way for Chanticlair Drive as recorded in Deed Book 11778, Page 1490, 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	Lennar Carolinas, LLC
Company Phone Number	c/o Matthew Carpenter, 919-835-4032
Developer Representative Name	
Developer Representative Phone Number	
Developer Representative Email	matthewcarpenter@parkerpoe.com

New Residential Subdivision Information	
Date of Application for Subdivision	unknown, Rezoning submittal 3/1/2022
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	Yellowbridge
Address of Subdivision (if unknown enter nearest cross streets)	2813 & 2817 US 64 West
REID(s)	
PIN(s)	0722743789 and 0722752304

Projected Dates Information	
Subdivision Completion Date	2026
Subdivision Projected First Occupancy Date	2026

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	<u>40</u>											unknown	2026				
Townhomes	<u>130</u>											unknown	2026				
Condos																	
Apartments																	
Other																	

NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

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

October 10, 2022

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at
2813 and 2817 US 64 Hwy W 0722743789 and 0722752304

Address(es)

PIN(s)

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

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

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

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

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

See attached notice letter.

Estimated submittal date: November 1, 2022

MEETING INFORMATION:

Property Owner(s) name(s): Yellowbridge Capital, LLC

Applicant(s): Lennar Carolinas, LLC c/o Matthew Carpenter

Contact information (email/phone): matthewcarpenter@parkerpoe.com; (919) 835-4032

Electronic Meeting invitation/call in info: See attached notice letter

Date of meeting**: October 24, 2022

Time of meeting**: 6:00 PM - 8:00 PM

MEETING AGENDA TIMES:

Welcome: 6:00 PM Project Presentation: between 6:00 - 8:00 PM Question & Answer: between 6:00 - 8:00 PM

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

To: Neighboring Property Owners
From: Matthew J. Carpenter
Date: October 10, 2022

Re: Development approvals for 2831 US 64 Hwy W (PIN 0722743789) and 2817 US 64 Hwy W (PIN 0722752304)(collectively, the "Property")

On September 13, Apex Town Council voted to rezone the Property to Planned Unit Development Conditional (PUD-CZ)(the "Rezoning") to allow the development of Yellowbridge, a residential community with small scale commercial uses along US-64 (the "Project"). With the Rezoning complete, the developer is ready to move forward with the Project and is holding a **neighborhood meeting October 24 at 6:00 PM** to discuss next steps with the community which will include filing a Residential Master Subdivision Plan (the "Subdivision Plan") and Planned Unit Development Amendment (the "PUD Amendment").

The Subdivision Plan will follow the Concept Plan approved by Council on September 13, but provide greater engineering detail as to specific site elements. The PUD Amendment will revise one of the architectural conditions (as shown in the attached) to be consistent with the architectural elevations approved as part of the Rezoning.

During the meeting, the applicant will describe the nature of the applications and field any questions from the public. Enclosed are: (1) the previously approved PUD Concept Plan; (2) text of the PUD Amendment; (3) a project contact information sheet; and (4) a common construction issues & who to call information sheet.

The meeting will be held virtually. You can participate online via Zoom or by telephone. To participate in the online Zoom meeting:

Visit:
Enter the following meeting ID: 811 0900 8782
Enter the following password: 990517

To participate by telephone:

Dial: 1 929 205 6099
Enter the following meeting ID: 811 0900 8782 #
Enter the Participant ID: #
Enter the Meeting password: 990517 #

If you have any questions prior to the meeting, please contact me directly at (919) 835-4032 or via email at matthewcarpenter@parkerpoe.com

Sincerely,


Matthew J. Carpenter

COMMERCIAL DEVELOPMENT

CONCEPTUAL PLAYLAWN / OPEN SPACE

PROPOSED WATER CONNECTIONS

PROPOSED SEWER CONNECTIONS

SINGLE FAMILY - ATTACHED (TOWNHOUSE)

SINGLE FAMILY - DETACHED

PROJECT PERMITTER BOUNDARY

POTENTIAL ACCESS POINTS

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

SITE AND UTILITY NOTES:

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. LOCATIONS SHALL BE MARKED AT MASTER PLANS.
2. FINAL RESOURCE CONSERVATION AREA (RCAs) AND PLAYLAWN LOCATIONS SHALL BE COORDINATED WITH THE TOWN OF WHITE OAK AND THE MASTER PLAN FOR THE PROJECT.
3. ALL RCAs SHALL BE MAINTAINED FOR THE LIFE OF THE PROJECT. RCAs SHALL BE MAINTAINED FOR THE LIFE OF THE PROJECT.
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9. RCAs SHALL BE MAINTAINED FOR THE LIFE OF THE PROJECT. RCAs SHALL BE MAINTAINED FOR THE LIFE OF THE PROJECT.
10. THE PROJECT SHALL NOT BE USED FOR ANY OTHER PURPOSES INCLUDING BUT NOT LIMITED TO WATER, SEWER, AND GAS.

POTENTIAL ACCESS POINTS:

Access points are shown for potential access to the project. Access points are shown for potential access to the project. Access points are shown for potential access to the project.

CONCEPTUAL SITE PLAN/
CONCEPTUAL UTILITY PLAN

1. C100

SCALE: 1"=100'

proj #	210701
date	MARCH 1, 2022
des by	FS
chd by	JR
scale	AS NOTED
sheet	C100

PEAK Engineering & Design

1775 ADOBE PARKWAY, SUITE 200
APRIL, NORTH CAROLINA 27502

NC License #P0673

Project: YELLOWBRIDGE PUD
2813/2817 US 64 HWY WEST
APEX, NORTH CAROLINA 27502

NO.	DATE	DESCRIPTION
1	03/01/2022	ISSUED FOR PERMITTING
2	03/01/2022	ISSUED FOR PERMITTING
3	03/01/2022	ISSUED FOR PERMITTING
4	03/01/2022	ISSUED FOR PERMITTING
5	03/01/2022	ISSUED FOR PERMITTING
6	03/01/2022	ISSUED FOR PERMITTING
7	03/01/2022	ISSUED FOR PERMITTING
8	03/01/2022	ISSUED FOR PERMITTING
9	03/01/2022	ISSUED FOR PERMITTING
10	03/01/2022	ISSUED FOR PERMITTING

ARCHITECTURAL STANDARDS

Yellowbridge PUD offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Elevations included are conceptual examples. Final elevations must comply with these architectural standards but may vary from the conceptual elevations. Further details may be provided at the time of Residential Master Subdivision Plan submittal.

RESIDENTIAL DISTRICT DESIGN GUIDELINES

Single-Family Detached:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. Garage doors shall have windows, decorative details or carriage-style adornments on them.
5. The garage shall not protrude more than 1 foot out from the front façade and front porch.
6. Garages on the front façade of homes that face the street shall not exceed ~~53~~30% of the total width of the house and garage together.
7. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
9. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
10. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
11. Front porches shall be a minimum of 5 feet deep.
12. No more than 25% of lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.

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: Yellowbridge Zoning: Rural Residential (RR)

Location: 2813 and 2817 US 64 Hwy W

Property PIN(s): 0722743789 and 0722752304 Acreage/Square Feet: 48.24 acres

Property Owner: Yellowbridge Capital, LLC

Address: 113 Mill Point Road

City: Kitty Hawk State: NC Zip: 27949-4082

Phone: n/a Email: n/a

Developer: Lennar Carolinas, LLC

Address: 1100 Perimeter Park Drive, Suite 112

City: Morrisville State: NC Zip: 27560

Phone: c/o Matthew Carpenter, 919-835-4032 Fax: n/a Email: matthewcarpenter@parkerpoe.com

Engineer: Peak Engineering & Design, PLLC; Attn. Jeff Roach

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: 919-439-0100 Fax: n/a Email: jroach@peakengineering.com

Builder (if known): Same as Developer

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineer (Water & Sewer)	(919) 249-3537 (919) 249-1166 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

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: Online via zoom

Date of meeting: October 24, 2022 Time of meeting: 6:00 PM

Property Owner(s) name(s): Yellowbridge Capital, LLC

Applicant(s): Lennar Carolinas

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.	See attached attendance list				
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

**Yellowbridge PUD Amendment
Neighborhood Meeting Attendance Roster
October 24, 2022**

Steve Ritchie
Polly Petrino
Kate Macdonnell
Jen Curtis-Maury
Chip Allen
Jeremy Brewer
Penny Grieci
C.J. Bottitta
Jason Hornick
Gerald Hornick
Kelley McLaughlin
Brant Gifford

*Contact information as received but has been redacted for filing.

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): Yellowbridge Capital, LLC

Applicant(s): Lennar Carolinas

Contact information (email/phone): _____

Meeting Address: Online via zoom

Date of meeting: October 24, 2022

Time of meeting: 6:00 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:

Request to amend architectural commitment 6 in PUD Text.

Applicant's Response:

When we committed to the revised architectural commitments and elevations, we were unaware that they were inconsistent with condition 6 which states that garages shall not exceed 30% of the total width of the house and garage together. The developer now desires to amend condition 6 to state that garages shall not exceed 50% of the total width of the house and garage together, consistent with the provided architectural elevations. All other conditions in the PUD Text and Concept Plan will remain the same.

Question/Concern #2:

How many total units?

Applicant's Response:

160 total units including 40 single-family detached and 120 townhomes. The only change to the existing zoning is to the single architectural commitment concerning garage width. The remaining conditions and design guidelines, including total unit count, will remain the same.

Question/Concern #3:

Who will maintain the undeveloped commercial property while the residential portion is being developed?

Applicant's Response:

The developer will maintain the commercial property until a commercial project is planned. The intent is to keep the commercial portion wooded in the interim.

Question/Concern #4:

Will there be stop signs at the intersection of Chantclair and Rothwood, and if so, how many?

Applicant's Response:

Yes, although final stop sign configuration will not be known until later in the process and will be dictated by Town transportation staff.

Notice List for Neighborhood Meeting

SITE ADDRESS	PIN NUM	OWNER	MAILING ADDRESS	
0 BRYANT POND LN	0722731969	ABBINGTON COMMUNITY ASSN INC	PPM INC OF RALEIGH	11010 RAVEN RIDGE RD
1113 ROTHWOOD WAY	0722841609	ABERNATHY, JOHN	1113 ROTHWOOD WAY	RALEIGH NC 27614-8837
2617 BRYANT POND LN	0722649347	ALLEN, CHESTER W IV ALLEN, ELENI N	2617 BRYANT POND LN	APEX NC 27502-4308
0 US 64 HWY W	0722652622	ANS TRUST THE	KATHIE L RUSSELL TRUSTEE	APEX NC 27502-4318
2605 BRYANT POND LN	0722741431	BAILEY, JAMES EDWARD BAILEY, SUZANNE C	2605 BRYANT POND LN	727 W HARGETT ST STE 109
101 TIMBERLEA CT	0722853496	BANKS, WAYNE BANKS, DEOGRATIAS A	101 TIMBERLEA CT	RALEIGH NC 27603-1669
2599 BRYANT POND LN	0722742422	BECKER, SHANNON V BECKER, DEBRA LYNN	2599 BRYANT POND LN	APEX NC 27502-4318
103 TIMBERLEA CT	0722852554	BISI, JOHN EMERSON TRUSTEE JOHN EMERSON BISI FAMILY LIVING TRUST	103 TIMBERLEA CT	APEX NC 27502-4310
2672 TIMKEN FOREST DR	0722645333	BREWER, JEREMY JOE TRUSTEE BREWER, PAULA MARIE TRUSTEE	2672 TIMKEN FOREST DR	APEX NC 27502-4642
503 LYNDENBURY DR	0722842758	BRIDENBAUGH, DAVID N BRIDENBAUGH, CONNE L	503 LYNDENBURY DR	APEX NC 27502-4315
1119 ROTHWOOD WAY	0722840599	BURLESON, RYAN W L BURLESON, BETSY L	1119 ROTHWOOD WAY	APEX NC 27502-9644
2598 BRYANT POND LN	0722742283	CARTWRIGHT, TIMOTHY J CARTWRIGHT, MELISSA S	2598 BRYANT POND LN	APEX NC 27502-4308
308 LYNDENBURY DR	0722855248	CHIAO, DYLAN CHIAO, HALEY	308 LYNDENBURY DR	APEX NC 27502-4311
1125 ROTHWOOD WAY	0722840570	COOLING, KEVIN TRUSTEE COOLING, JOANNE TRUSTEE	1125 ROTHWOOD WAY	APEX NC 27502-9619
2666 TIMKEN FOREST DR	0722646334	CURTIS-MAURY, MATTHEW F CURTIS-MAURY, JENNIFER	2666 TIMKEN FOREST DR	APEX NC 27502-4308
400 LYNDENBURY DR	0722854199	DECOURCY, J RUSS DECOURCY, DONNA M	400 LYNDENBURY DR	APEX NC 27502-4315
1106 ROTHWOOD WAY	0722748778	ECKERSBERG, JOHN J I ECKERSBERG, AMANDA J	1106 ROTHWOOD WAY	APEX NC 27502-9645
100 TIMBERLEA CT	0722852274	FAST, SCOTT H TRUSTEE FAST, MARY KATHERINE TRUSTEE	100 TIMBERLEA CT	APEX NC 27502-4309
2575 BRYANT POND LN	0722748502	FLESHMAN, JAMES BRETT FLESHMAN, KARA N	2575 BRYANT POND LN	APEX NC 27502-9642
501 LYNDENBURY DR	0722842868	FOULKES, MICHAEL J FOULKES, ELIZABETH H	501 LYNDENBURY DR	APEX NC 27502-4310
405 CHANTICLAIR DR	0722844846	GANNON, TRAVIS GANNON, DANIELE	405 CHANTICLAIR DR	APEX NC 27502-9644
2628 BRYANT POND LN	0722649161	GARRETT, PATRICK JAMES GARRETT, MELISSA BETH	2628 BRYANT POND LN	APEX NC 27502-9729
505 LYNDENBURY DR	0722842679	GARRY, ADAM T	505 LYNDENBURY DR	APEX NC 27502-4317
2654 TIMKEN FOREST DR	0722648203	GREEN, BRYAN GREEN, ERIN	2654 TIMKEN FOREST DR	APEX NC 27502-9644
1132 ROTHWOOD WAY	0722747405	HARRIS, SHARITA A	1132 ROTHWOOD WAY	APEX NC 27502-4315
1107 ROTHWOOD WAY	0722841709	HERSHKOWITZ, MICHAEL THOMAS HERSHKOWITZ, SHARON MARIE	1107 ROTHWOOD WAY	APEX NC 27502-4309
2611 BRYANT POND LN	0722740440	HIBDON-ROBERTSON, JULIA LYNN	2611 BRYANT POND LN	APEX NC 27502-4308
2587 BRYANT POND LN	0722744407	HOBART, BARRY ITR HOBART, DEBORAH LYNN ITR	2587 BRYANT POND LN	APEX NC 27502-4318
1126 ROTHWOOD WAY	0722747554	JOHNS, ROBERT A JOHNS, CLAIRE A	1126 ROTHWOOD WAY	APEX NC 27502-4310
1120 ROTHWOOD WAY	0722748601	KISER, JEFFERSON B III KISER, DENISE C	1120 ROTHWOOD WAY	APEX NC 27502-4309
404 CHANTICLAIR DR	0722855042	LAMB, KIMBERLY S LAMB, JONATHAN E	404 CHANTICLAIR DR	APEX NC 27502-4309
112 LANGSHIRE CT	0722852790	LAUFFER, MATTHEW S LAUFFER, LISA C	112 LANGSHIRE CT	APEX NC 27502-9646
405 LYNDENBURY DR	0722852045	LOGSDON, JAMES M LOGSDON, KIMBERLY D	405 LYNDENBURY DR	APEX NC 27502-9621
1101 GOLIATH LN	0722643165	LOYD, FRANK ROYAL LOYD, AMY S	1101 GOLIATH LN	APEX NC 27502-9643
2671 TIMKEN FOREST DR	0722645123	MACDONELL, JAMES L MACDONELL, KATHARINE G	2671 TIMKEN FOREST DR	APEX NC 27523-7803
1140 ROTHWOOD WAY	0722746321	MACNAUGHTON, IAN R MACNAUGHTON, AMANDA M	1140 ROTHWOOD WAY	APEX NC 27502-4316
1105 GOLIATH LN	0722643056	MARY L WALKIEWICZ TRUST	1105 GOLIATH LN	APEX NC 27502-4309
2592 BRYANT POND LN	0722743285	MATHEWS, JAMES CHRISTOPHER TRUSTEE MATHEWS, HOLLY KATHERINE TRUSTEE	2592 BRYANT POND LN	APEX NC 27523-7803
2808 US 64 HWY W	0722850629	MATTHEWS, JOSEPH T MATTHEWS, PHILOMINA J	2808 US 64 HWY W	APEX NC 27502-4311
0 US 64 HWY W	0722861231	MATTHEWS, JOSEPH T MATTHEWS, PHILOMINA J	7231 CARPENTER FIRE STATION RD	CARY NC 27519-8611
2661 TIMKEN FOREST DR	0722646134	MITCHELL, JENNIFER D	2661 TIMKEN FOREST DR	APEX NC 27519-8611
115 LANGSHIRE CT	0722852843	PARKER, WILLIAM P II PARKER, SUSAN R	115 LANGSHIRE CT	APEX NC 27502-4316
1137 ROTHWOOD WAY	0722749305	PEPE, RICHARD L PEPE, CHRISTINE	1137 ROTHWOOD WAY	APEX NC 27502-9621
2651 TIMKEN FOREST DR	0722647017	PETERSON, KIRK PETERSON, CINDI	1137 ROTHWOOD WAY	APEX NC 27502-4308
403 LYNDENBURY DR	0722852155	PETERSON, THAREN WAYNE PETERSON, RACHEL LOVE	2651 TIMKEN FOREST DR	APEX NC 27502-4316
2623 BRYANT POND LN	0722648353	PETRINO, RAYMOND J PETRINO, POLLY M	403 LYNDENBURY DR	APEX NC 27502-9643
402 LYNDENBURY DR	0722854046	POPKO, BRIAN J LEVEDAKOU, ELENI N	2623 BRYANT POND LN	APEX NC 27502-4318
1101 ROTHWOOD WAY	0722841808	RITCHIE, STEVEN H RITCHIE, CHRISTA VENO	402 LYNDENBURY DR	APEX NC 27502-9645
2593 BRYANT POND LN	0722743414	ROZET, TIMOTHY DANIEL ROZET, KATHLEEN SCANDURA	1101 ROTHWOOD WAY	APEX NC 27502-4308
2584 BRYANT POND LN	0722744288	SAMBORSKI, CHRISTOPHER WILLIAM TRUSTEE SAMBORSKI, KARELYN JO TRUSTEE	2593 BRYANT POND LN	APEX NC 27502-4310
2660 TIMKEN FOREST DR	0722647323	SCHMIDTKE, JOSEPH A SCHMIDTKE, VERONIKA	2584 BRYANT POND LN	APEX NC 27502-4311
1146 ROTHWOOD WAY	0722746202	SIVON, AMIE CAROL SIVON, JASON MICHAEL	2660 TIMKEN FOREST DR	APEX NC 27502-4315
504 LYNDENBURY DR	0722844765	SMITH, JEFFREY D SMITH, AMY N	1146 ROTHWOOD WAY	APEX NC 27502-4309
0 BRYANT POND LN	0722644046	SWEETWATER PROPERTY OWNERS ASSOCIATION, INC	621 W JONES ST	RALEIGH NC 27603-1408
113 LANGSHIRE CT	0722862012	TASTET, LANCE J TASTET, SYLVIA B	113 LANGSHIRE CT	CARY NC 27513-5616
2812 US 64 HWY W	0722761436	TAYLOR MORRISON OF CAROLINAS INC	113 LANGSHIRE CT	APEX NC 27502-9621
1131 ROTHWOOD WAY	0722749453	TOMASI, EDWARD JAMES TOMASI, COLETTE MARIE	15501 WESTON PKWY STE 100	CARY NC 27513-8636
0 US 64 HWY W	0722864575	TTM DEVELOPMENT LLC	1131 ROTHWOOD WAY	APEX NC 27502-4308
2616 BRYANT POND LN	0722740129	VANZANTEN, JOHN HOLLIS JR VANZANTEN, HEIDI JILL RAFFK	2616 BRYANT POND LN	APEX NC 27502-4308
2581 BRYANT POND LN	0722744590	VERMETTE, MARK E VERMETTE, ELIZABETH S	2581 BRYANT POND LN	APEX NC 27502-4317
1100 ROTHWOOD WAY	0722748868	VORA, JAY VORA, ALYSSA K	1100 ROTHWOOD WAY	APEX NC 27502-4310
0 ACTON ST	0722667310	WESTFORD APARTMENTS WEH LP	1100 ROTHWOOD WAY	APEX NC 27502-4309
0 ACTON ST	0722665208	WESTFORD COMMERCIAL WEH LP	2900 LINDEN LN STE 300	SILVER SPRING MD 20910-1265
2900 US 64 HWY W	0722667508	WESTFORD MASTER OWNERS ASSC INC	2900 LINDEN LN STE 300	SILVER SPRING MD 20910-1265
102 TIMBERLEA CT	0722852327	WHITE, ALAN WHITE, STEPHANIE A	56 HUNTER ST STE 110	APEX NC 27502-2325
2817 US 64 HWY W	0722752304	YELLOWBRIDGE CAPITAL LLC	102 TIMBERLEA CT	APEX NC 27502-9642
1114 ROTHWOOD WAY	0722748669	ZUMWALT, ROBERT ZUMWALT, SUSAN	113 MILL POINT RD	KITTY HAWK NC 27949-4082
		APEX TOWN OF	1114 ROTHWOOD WAY	APEX NC 27502-4309
		Current Tenant	PO BOX 250	APEX NC 27502-0250
		Current Tenant	504 Lyndenbury DR	APEX NC 27502
		Current Tenant	2813 US 64 HWY W	APEX NC 27502
		Current Tenant	2901 US 64 HWY W	APEX NC 27502
		Current Tenant	3001 US 64 HWY W	APEX NC 27502

Created by Town of Apex Planning and Community Development
Date Created: 10/6/2022

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, Matthew J. Carpenter, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, 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 online via Zoom (location/address) on October 24 (date) from 6:00 PM (start time) to 8:00 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

10/25/2022
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Matthew J. Carpenter, a Notary Public for the above State and County, on this the 25th day of October, 20 22.



Amy W. Stephenson
Notary Public
Amy W. Stephenson
Print Name

My Commission Expires: 10/2/2023

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 22CZ23 Yellowbridge PUD Amendment

Planning Board Meeting Date: January 9, 2023



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: ±48.2331 acres

PIN(s): 0722743789 & 0722752304

Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ06)

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

2045 Land Use Map: Medium Density Residential and Commercial Services

Town Limits: ETJ

Applicable Officially Adopted Plans:

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

☒ 2045 Land Use Map
☒ Consistent ☐ Inconsistent Reason: _____

☒ Apex Transportation Plan
☒ Consistent ☐ Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 22CZ23 Yellowbridge PUD Amendment

Planning Board Meeting Date: January 9, 2023



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: 22CZ23 Yellowbridge PUD Amendment

Planning Board Meeting Date: January 9, 2023



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 Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Alyssa Byrd

Seconded by Planning Board member: Steven Rhodes

- ☐ *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:

As presented.

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

With 9 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 9th day of January 2023.

Attest:


Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2023.01.09 16:51:06
-05'00'

Dianne Khin, Planning Director



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ23 Yellowbridge 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/Authorized Agent: Tucker Ennis, Lennar Carolinas LLC

Property Addresses: 2813 and 2817 US 64 Highway West

Acreage: ±48.24 acres

Property Identification Numbers (PINs): 0722743789 and 0722752304

2045 Land Use Map Designation: Medium Density Residential/Commercial Services

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ06)

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: January 9, 2023 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>.

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.


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, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/41377>.

Dianne F. Khin, AICP
Planning Director



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ23
Yellowbridge 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/Authorized Agent: Tucker Ennis, Lennar Carolinas LLC
Property Addresses: 2813 and 2817 US 64 Highway West
Acreage: ±48.24 acres
Property Identification Numbers (PINs): 0722743789 and 0722752304
2045 Land Use Map Designation: Medium Density Residential/Commercial Services
Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ06)
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: January 9, 2023 6:30 PM
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/townofapexlive>

If you are unable to attend, you may provide a written statement by email to public-hearings@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.

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:



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ23

Yellowbridge 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: Tucker Ennis, Lennar Carolinas LLC

Dirección de las propiedades: 2813 and 2817 US 64 Highway West

Superficie: ±: 48.24 acres

Números de identificación de las propiedades: 0722743789 and 0722752304

Designación actual en el Mapa de Uso Territorial para 2045: Office Employment/Commercial Services

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ06)

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: 9 de enero de 2023 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>.

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.

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 al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/41377>.

Dianne F. Khin, AICP
Directora de Planificación

Department, with questions or for further information. To view the petition and related documents on-line:
<https://www.apexnc.org/DocumentCenter/View/41737>

Dianne F. Khin, AICP
Planning Director

Published Dates: December 16, 2022-January 9, 2023



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TEL: 919-460-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ23
Yellowbridge 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 la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Tucker Ennis, Lennar Carolinas LLC
Dirección de las propiedades: 2813 and 2817 US 54 Highway West
Superficie: ±: 48.24 acres
Números de identificación de las propiedades: 0722743789 and 0722752304
Designación actual en el Mapa de Uso Territorial para 2045: Office Employment/Commercial Services
Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #22C206)
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: 9 de enero de 2023 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/townofapexlive>

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, Ivel Pedersen (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.

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. Todos los 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://map.apexnc.org/arcgis>. Puede ver el Mapa de Uso Territorial para 2045 aquí www.apexnc.org/DocumentCenter/View/41728. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-240-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/41737>

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 16 de diciembre de 2022 - 9 de enero de 2023



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 #22CZ23
Yellowbridge PUD Amendment

Project Location: 2813 and 2817 US 64 Highway West

Applicant or Authorized Agent: Tucker Ennis, Lennar Carolinas LLC

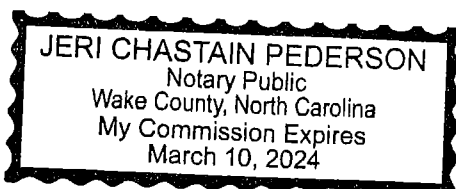
This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on December 16, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information 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.

12/19/2022
Date

Shianne F. Khuri
Director of Planning

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 19 day of December, 2022.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 03/10/2024



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ23 Yellowbridge 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/Authorized Agent: Tucker Ennis, Lennar Carolinas LLC

Property Addresses: 2813 and 2817 US 64 Highway West

Acreage: ±48.2331 acres

Property Identification Numbers (PINs): 0722743789 and 0722752304

2045 Land Use Map Designation: Medium Density Residential and Commercial Services

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ06)

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: January 24, 2023 6:00 PM

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

If you are unable to attend, you may provide 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.

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, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/41377/22CZ23>.

Dianne F. Khin, AICP
Planning Director





TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ23

Yellowbridge 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:

Agente autorizado: Tucker Ennis, Lennar Carolinas LLC

Dirección de las propiedades: 2813 and 2817 US 64 Highway West

Superficie: ±: 48.2331 acres

Números de identificación de las propiedades: 0722743789 and 0722752304

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential and Commercial Services

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ06)

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

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

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

Fecha y hora de la audiencia pública del Consejo Municipal: 24 de enero de 2023 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>.

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.

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 al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/41377/22CZ23>.

Dianne F. Khin, AICP
Directora de Planificación



Property owners, tenants, and neighborhood associations within 100 feet of the proposed conditional zone 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.rainier.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexinc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexinc.org/DocumentCenter/View/45177/22C223>.

Dianne F. Shin, AICP
Planning Director

Published Dates: January 3-January 24, 2023



TOWN OF APEX

PO BOX 256
APEX, NORTH CAROLINA 27502
TELEPHONE 919-249-2426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ23
Yellowbridge 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:

Agente autorizado: Tucker Ennis, Lennar Carolinas LLC

Dirección de las propiedades: 2813 and 2817 US 64 Highway West

Superficie: \pm 48.2331 acres.

Números de identificación de las propiedades: 0722743789 and 0722752304

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-C2 #22C206)

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

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

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

Fecha y hora de la audiencia pública del Consejo Municipal: 24 de enero de 2023 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/consulnayarit>

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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.calepin.org/en/Mapa>. Puede ver el Mapa de Uso Territorial para 2045 aquí: <https://www.apecs.org/DocumentCenter/View/578>. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apecs.org/DocumentCenter/View/41377/23223>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 3 de enero de 2023- 24 de enero de 2023



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 #22CZ23
Yellowbridge PUD Amendment

Project Location: 2813 and 2817 US 64 Highway West

Applicant or Authorized Agent: Tucker Ennis, Lennar Carolinas LLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on January 3, 2023, 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.

1/3/2023

Date

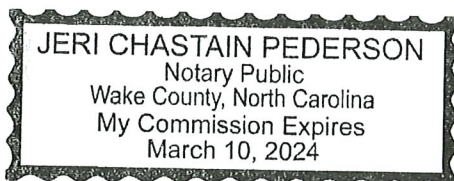
Shanae F. Khin

Director of Planning

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 3 day of January, 202 2.



Jeri Chastain Pederson
Notary Public

SEAL

My Commission Expires: 3 / 10 / 2024

