

## STAFF REPORT

Rezoning #22CZ13 2021 N Salem St PUD

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:** 2021 North Salem Street  
**Applicant/Agent:** Brendie Vega, WithersRavenel  
**Owners:** Susan R. Jewett & William C. Mann

### **PROJECT DESCRIPTION:**

**Acreage:** ±6 acres  
**PIN:** 0742891824  
**Current Zoning:** Residential Agricultural (RA)  
**Proposed Zoning:** Planned Unit Development-Conditional Zoning (PUD-CZ)  
**2045 Land Use Map:** Medium Density Residential  
**Town Limits:** ETJ

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

	<b>Zoning</b>	<b>Land Use</b>
<b>North:</b>	Rural Residential (RR); Residential Agricultural (RA)	Single-family residential (Salem Woods Subdivision)
<b>South:</b>	Light Industrial (LI)	N. Salem Street; Office (Economy Exterminators); Vacant; Veterinary Clinic (Town & Country Veterinary Hospital)
<b>East:</b>	Residential Agricultural (RA)	Single-family residential
<b>West:</b>	Rural Residential (RR)	Single-family residential (Salem Woods Subdivision)

### **EXISTING CONDITIONS:**

The subject property is located on the northwest side of North Salem St just east of Greenlea Dr. There are several existing structures on the property, some of which are historic. Based on the report from Capital Area Preservation (CAP), the house and two outbuildings should be preserved onsite or relocated to an appropriate location. CAP states that 90% of the original historic fabric remains intact for the 1941 period cottage, a Tudor-Revival style building that is unique in Apex. Despite vandalism, the structure remains intact and can be relocated or reused. The two outbuildings are identified as the frame wash/guest house and a tobacco curing barn.

### **NEIGHBORHOOD MEETING:**

The applicant conducted neighborhood meetings on April 19, 2022 and June 8, 2022. The neighborhood meeting reports are attached.

### **WCPSS Coordination:**

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

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### 2045 LAND USE MAP:

The 2045 Land Use Map designates the subject property as Medium Density Residential. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is consistent with that Land Use Map designation. The proposed rezoning includes a maximum of 40 dwelling units and maximum density of 6.7 units per acre.

### PLANNED UNIT DEVELOPMENT PLAN:

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

#### Permitted Uses:

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

- Accessory apartment
- Park, active
- Utility, minor
- Townhouse
- Park, passive

### Proposed Design Controls:

#### Density

The PUD Plan proposes an overall maximum residential density of 6.7 dwelling units per acre. The overall residential development shall not exceed 40 dwelling units.

#### Lot Width:

The minimum lot width is 18 ft.

#### Height

The maximum building height shall be: 42-feet; 2-stories maximum.

#### Setbacks

Proposed Minimum Setbacks		
Townhouse – front loaded	Front (from garage to lot line)	19'
	Front (from garage to back of sidewalk)	20'
	Side	5'
	Corner side	10'
	Rear	10'
	Building to building	10'

#### Buffers

The following buffers are proposed by this PUD:

Perimeter Buffers:	UDO Required	Proposed
Eastern Boundary	20' Type B	20' Type B
Northern Boundary	20' Type B	20' Type B
Southern Boundary (N. Salem Street)	30' Type B Undisturbed; 50' Type A/B Disturbed*	30' Type B Undisturbed; 50' Type B Disturbed**
Western Boundary	20' Type B	20' Type B



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*\*Disturbed portion of 50' Thoroughfare Buffer shall be planted to a Type A buffer standard; undisturbed portion of 50' Thoroughfare Buffer shall be supplemented to a Type B buffer standard.*

*\*\*An encroachment into the buffer may be required for a Town of Apex bus stop. If an encroachment is required, the encroachment into the buffer shall continue to be counted as buffer and RCA for purposes of meeting the UDO and Conditional Zoning.*

### **Built Upon Area**

The proposed maximum built upon area is 70%.

### **Resource Conservation Area**

This PUD shall be subject to, and meet the requirements of Section 8.1.2 of the UDO, *Resource Conservation Area* and Section 2.3.4 *Planned Development Districts*. The site shall dedicate a minimum of 20% of the overall site area upon site plan submittal.

### **Parking**

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

### **Signage**

All signage in the N. Salem St. PUD will comply with the requirements in Section 8.7 of the Town of Apex UDO.

The sign(s) for *Section X. Environmental Advisory Board Recommendations* shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.

### **Architectural Standards**

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

#### **A. Residential Development**

##### Single Family Attached (Townhouses):

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
3. Garage doors must have windows, decorative details or carriage-style adornments on them.
4. Building facades shall have horizontal relief achieved by the use of recesses and projections.
5. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
6. Elevations shall have a minimum of three colors.
7. The visible side of a townhouse on a corner lot facing the public street shall contain a decorative element such as, but not limited to, the following elements:
  - Windows
  - Trim around the windows
  - Decorative air vents on gable
  - Decorative gable

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### **CULTURAL RESOURCES:**

According to the North Carolina Historic Preservation Office's records, the subject site does contain historic structures. Capital Area Preservation has evaluated the site and determined that three (3) structures should be preserved on site or relocated and preserved in another location within Apex's planning jurisdiction. These structures are the 1941 period cottage, the frame wash/guest house, and a tobacco curing barn.

The applicant is proposing the following:

- In lieu of the requirements of Section 2.3.6.C.2.b, the following shall apply to any historic structures located on the property:
  - a. The existing home that is located on the property is not required to be saved. Instead, a payment-in-lieu in the amount of \$100,000 shall be made to the Town to further historic preservation of other historic structures in the Town including, without limitation, the Tunstall House;
  - b. The tobacco barn and washhouse that have been identified as contributing structures shall be preserved in accordance with the requirements of Section 2.3.6.C.2.b; and
  - c. The stone face on the portico of the existing home shall be saved by the developer and adaptively reused on the property, either to be included as part of the subdivision signage otherwise.

### **PUBLIC FACILITIES:**

Sewer is available at an outfall at the tributary of the Williams Creek outfall that runs through the Town of Apex ROW on N. Salem St. The nearest pump station is located approximately 0.5 miles away at Apex Community Park. A capacity study shall be provided during Construction Drawing submittal.

Extension of water shall be provided to the proposed development with access to water via a 12" waterline on N. Salem St.

Electric services will be extended to the site. If natural gas is available, it will be extended to the site.

### **STORMWATER MANAGEMENT:**

This proposed development will meet the standard requirements set forth in the UDO by the Town of Apex.

### **AFFORDABLE HOUSING:**

Of the forty (40) permitted townhouse dwellings, at least one (1) residential restricted median-income affordable housing townhouse ownership unit (Affordable Housing Units) shall be constructed on-site and sold at a mutually agreeable maximum affordable housing median-income ownership initial sales price (includes unit price and lot price) that is calculated based upon the one- hundred percent (100%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI) as most recently published by the U.S. Department of Housing and Urban Development (HUD).

The Affordable Housing Units shall be occupied by low or median-income households earning no more than one hundred percent (100%) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by HUD. A restrictive covenant (i.e., resale deed restriction) with a minimum affordability period of ten (10) years shall be recorded against each Affordable Housing Unit concurrently at the close of escrow upon the sale of each Affordable Housing Units to memorialize the affordable housing terms and conditions.



The Affordable Housing Unit lot shall be identified on the Master Subdivision Final Plat, which may be amended from time to time. A restrictive covenant (i.e. affordable housing agreement) between the Town and Applicant shall be recorded against the Affordable Housing Unit lot prior to the issuance of a building permit for such lot to memorialize the affordable housing terms and conditions of the approved zoning condition. Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer. Developer will be responsible for performing marketing, applicant screening and selection process and management of the Affordable Housing Units during the affordability period with oversight and support provided by Town staff.

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

The proposed PUD is consistent with the Apex Transportation Plan and the Town of Apex Standard Specification and Standard Details.

- **Roadways:**

Development frontage improvements along North Salem Street shall be constructed based on a minimum 41' back-to-back curb and gutter 3-lane thoroughfare on minimum 80' right-of-way (40' from roadway center line) with 5' sidewalk. A maximum of one (1) access point shall be proposed on North Salem Street, to be located a minimum of 500 feet east of Greenlea Drive, subject to Apex and NCDOT review and approval.

A center left turn lane shall be extended along the property frontage between Greenlea Drive and the Economy Exterminators Driveway and provide a left turn lane for access to the development, subject to Apex and NCDOT review and approval.

- **Pedestrian Facilities:**

A minimum 5' sidewalk shall be provided along the frontage of N Salem St., and along both sides of all internal streets, including cul-de-sac(s).

Prior to platting the 10th lot in the neighborhood, the Developer will extend a 5' sidewalk approximately 250 feet along the north side of N. Salem St (2161 N Salem St) to the western limits of existing sidewalk at the Salem Pointe Subdivision. Developer will attempt to obtain the required right-of-way and/or easements for construction of this sidewalk from the property owners of 2161 N Salem St. If the required right-of-way and/or easements cannot be obtained by that time, a Fee-in-Lieu in the amount of 125% of the estimated cost of construction plus fair market value of the property to be acquired, shall be assessed. Any performance guarantee provided for this section of sidewalk shall be released upon acceptance of said fee-in-lieu by the Town.

- **Transit:**

The proposed site exists along, though not within, the Transit Oriented Development Context Area as outlined in the Advance Apex 2045 Transportation Plan. Additionally, the proposed site is along the Apex-Cary Express (ACX) bus and commuter rail lines. The nearest transit stop for the local GoApex Route 1 is located at the intersection of N Salem St. and Apex Peakway.

A bus stop, subject to review and approval by the Town of Apex and NCDOT, will be located along the frontage of the PUD to accommodate a future stop for the ACX.

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### ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on April 21, 2022. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
Install signage near environmental sensitive areas in order to:	
- Reduce pet waste near SCM drainage areas	Added
- Eliminate fertilizer near SCM drainage areas	Added
Install pervious surface and pavements where practicable (e.g. when parking maximums are exceeded).	Added
Add information signage or other marking at the boundary of lots when they are adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area around the sign is RCA and is not be disturbed.	Added
Install pet waste stations in neighborhoods	Added
Existing trees greater than 12" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location approved by Town Planning Staff, above and beyond standard UDO requirements.	Added (18" trees)
Increase the buffer around the whole development to a minimum 30 feet wide type "A" buffer.	Not Added
Prewire all homes for solar photovoltaic (PV) installations per town specifications.	Added
Minimize the extent possible protrusions on south facing roofs and/or attempt to concentrate protrusions in one location.	Not Added
Install a solar PV system of minimum 4 kilowatts on 14 homes. Suggest the homes with south facing roofs.	Added PV systems on 4 homes
For non-residential common area, include International Dark Sky Association compliance standards.	
- Outdoor lighting shall be shielded in a way that focuses lighting to the ground.	Not Added
- Lighting that minimizes the emission of blue light to reduce glare shall be used.	Added
- Lighting with a color temperature of 3000K or less shall be used for outside installations.	Added

### The applicant has provided the following EAB Conditions:

1. The project shall install one (1) sign to reduce pet waste per SCM, in locations that are publicly accessible, such as adjacent to, amenity centers, sidewalks, greenways, or side paths.
2. The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, amenity centers, sidewalks, greenways, or side paths.
3. The project shall ensure that at least 75% of the landscaping shall be native species. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.
4. The project shall plant warm season grasses in order to minimize the need for irrigation and chemical use.
5. A minimum off 4 native hardwood tree species shall be used for the landscaping on site.
6. All homes shall be pre-configured with conduit for a solar energy system.

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7. The project shall use pervious pavement where practicable in shared parking areas when parking maximums are exceeded.
8. A minimum of 2 signs shall be installed at the boundary of a wooded or natural condition resource conservation area (RCA) indicating that the area around the sign is RCA and is not to be disturbed.
9. The exterior lighting for all non-residential buildings, parking lots, and amenity areas shall be LED fixtures.
10. Consistent with International Dark Sky Standards, fixtures for non-residential buildings will be full cutoff LED fixtures that have a maximum color temperature of 3000K.
11. A minimum 4kW solar PV system shall be installed on at least four (4) homes within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The lots on which these homes are located shall be identified on Master Subdivision Final Plat, which may be amended from time to time.
12. The project shall use pervious pavement where practicable in shared parking areas when parking maximums are exceeded.
13. Existing deciduous trees greater than 18" in diameter (DBH), as identified in the tree survey, that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual.

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

The Parks, Recreation, and Cultural Resources Advisory Commission reviewed the 2021 N. Salem St PUD project at their June 29, 2022 meeting. The Commission made a unanimous recommendation for a fee-in-lieu of dedication. The recommendation is based on 2022 rates and proposed maximum lot count provided:

Single-family attached Units:  $\$2,528.25 \times 40 = \$101,130$

*Staff note: The fee-in-lieu rate is based on the date of PUD approval, not on the date of the Commission's recommendation.*

### **PLANNING BOARD RECOMMENDATION:**

The Planning Board held a public hearing on November 14, 2022 and unanimously voted to recommend approval with conditions offered by the applicant.

### **PLANNING STAFF RECOMMENDATION:**

Planning staff previously recommended approval of Rezoning #22CZ13 2021 N Salem St PUD. Since the Planning Board's recommendation, the applicant has added a condition that would allow the historic house to be removed. Capital Area Preservation has determined that the house is historic and should be preserved and a report has been received stating that the house can be relocated. Therefore, Planning staff's current recommendation is approval only if the applicant removes the following condition:

"In lieu of the requirements of Section 2.3.6.C.2.b, the following shall apply to any historic structures located on the property:

- a. The existing home that is located on the property is not required to be saved. Instead, a payment-in-lieu in the amount of \$100,000 shall be made to the Town to further historic preservation of other historic structures in the Town including, without limitation, the Tunstall House;
- b. The tobacco barn and washhouse that have been identified as contributing structures shall be preserved in accordance with the requirements of Section 2.3.6.C.2.b; and



- c. The stone face on the portico of the existing home shall be saved by the developer and adaptively reused on the property, either to be included as part of the subdivision signage otherwise.”

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

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

The 2045 Land Use Map designates the site as Medium Density Residential. The proposed PUD is consistent with that land use classification. The proposed rezoning allows for a maximum of 6.7 dwelling units per acre, which contributes to an overall density that supports future transit within the Transit Oriented Development (TOD) Context Area, as adopted with Advance Apex.

While the proposed rezoning encourages compact infill development, serves future transit with the provision of a bus stop on North Salem Street, and provides one affordable housing unit, it is not reasonable and in the public interest in that it would allow the demolition of a historic home to facilitate a subdivision without the need to wait 4 years from the date of demolition.

**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 ten percent (10%) provided that the PD Plan for PUD-CZ includes one or more of the following:
- (i) A non-residential component; or
  - (ii) An overall density of 7 residential units per acre or more; or
  - (iii) Environmental measures including but not limited to the following:





- (a) The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;
- (b) The installation of a geothermal system for a certain number or percentage of units within the development; or
- (c) Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).
- d) *Landscaping.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.
- e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.
- f) *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision* and Article 14: *Parks, Recreation, Greenways, and Open Space*.
  - (i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.
  - (ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.
  - (iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed



for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.

- (iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.
- g) *Natural resource and environmental protection.* The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.
- h) *Storm water management.* The PD Plan shall demonstrate that the post-development rate of on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.
- i) *Phasing.* The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.
- j) *Consistency with 2045 Land Use Map.* The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town's 2045 Land Use Map.
- k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

#### **Legislative Considerations**

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

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.

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





**Rezoning #22CZ13**

**St. James  
Village**

**Salem Church Rd**

**Salem Point Pl  
Salem Point**

**Salem  
Woods**

**Bay Bouquet Ln**

**Ellington  
Place**

**Claude Laurel Dr**

**Salem Woods**

**Pinedale Rd**

**Greenlea Dr  
N Salem St**

**Ellington  
Cove**

**Ramblewood**

**Townes at  
North Salem**





## PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #:	<u>22CZ13</u>	Submittal Date:	<u>5/2/22</u>
Fee Paid	<u>\$</u>	Check #	<u></u>

## PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: 2021 N Salem St.

Address(es): 2021 N Salem St., Apex, NC 27523

PIN(s) 0742891824

Acreage: 6.00

Current Zoning: RA - Residential Agriculture Proposed Zoning: PUD-CZ

Current 2045 LUM Designation: Medium Density Residential

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>0.00</u>
Area proposed as non-residential development:	Acreage:	<u>0.00</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>0.00</u>

### Applicant Information

Name: Brendie Vega, WithersRavenel

Address: 115 MacKenan Dr.

City: Cary State: NC Zip: 27511

Phone: (919) 469-3340 E-mail: bvega@withersravenel.com

### Owner Information

Name: Susan R. Jewett & William C. Mann

Address: 200 Singleton St.

City: Raleigh State: NC Zip: 27606

Phone:  E-mail:

### Agent Information

Name: Brendie Vega, WithersRavenel

Address: 115 MacKenan Dr.

City: Cary State: NC Zip: 27511

Phone: (919) 469-3340 E-mail: bvega@withersravenel.com

Other contacts:

## PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 22CZ13

Submittal Date: 5/2/22

### PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

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

### LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The proposal is consistent with the 2045 Land Use Map. Planned Unit Development is an allowable zoning district in the Medium Density Residential land use map classification and the proposed conditions maintain the density within the 3-7 dwelling units per acre range.

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 PUD-CZ district is appropriate for the proposed location because it will be compatible with the surrounding uses. There is an existing single-family neighborhood to the west, Salem Woods, and subdivisions to the northeast; Salem Pointe and Ellington Place.

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

There are no supplemental standards listed for attached townhouse units.

## 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 development will minimize adverse impact. It will have landscaped buffers on all sides which will ameliorate any disturbance to neighbors and visually screen the development. Limiting the permitting uses to townhouse units will significantly reduce any impacts to surrounding properties.

Adding less than 40 units will create minimal disturbance. Traffic will be directed away from adjacent properties onto N. Salem Street. This should not impact the road's capacity.

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

The development minimizes environmental impacts. The site is proposed to meet UDO standards for design controls, including minimization and avoidance of environmentally sensitive areas, limited site impacts. SCMs will be provided in compliance with Town standards.

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 site will have minimal impact on public facilities. Based on discussions with the Town, it is our understanding that there will be sufficient public facilities to accommodate the 40 or less units in the development. Further discussion can be held at the construction phase.

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

The proposed CZ district will prove beneficial for residents of the Town in relation health, safety, and/or welfare. The land use will assist in satisfying housing needs and promoting density, a goal of the Town's comprehensive plan. Additionally, the development will decrease potential overcrowding and increase the tax base, supporting public services and as a result the health, safety, and welfare of all residents.

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

The CZ district's land use is not substantially detrimental to adjacent properties. Instead, the land use assist in solidifying the residential nature of the area, increasing land values and the subsequent desirability to reside in neighboring 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 CZ will not constitute a nuisance or hazard as residential traffic generates modest noise and therefore the land use is consistent with the character of traffic in the vicinity of the proposed rezoning. Moreover, traffic generated by the 40 or less units will minimally impact surrounding roads in the metrics of both noise and volume, by redirecting traffic

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 Conditional Zoning District land use will comply with all standards imposed on it by all other applicable provisions of the Town's ordinance, for use, layout, and general development characteristics. Close consideration was given to the ordinance in the development of this proposal.

Beginning at a point, said point being an existing iron pipe at the easternmost corner of Lot 8 as shown on a plat recorded in Book of Maps 1985, Page 2255 in the Wake County Registry, said point also being on the northern right of way margin of N. Salem Street as shown on said plat and having North Carolina State Plane coordinates of N=729,563.29 and E=2,047,973.17; Thence, along the eastern line of said Lot 8 N13°33'06"W, 239.13 feet to a point, said point being an existing iron pipe at the northernmost corner of said Lot 8, said point also being at the easternmost corner of Lot 9 as shown on a plat recorded in Book of Maps 1986, Page 427 in said registry; Thence, along the eastern line of said Lot 9 N13°32'12"W, 109.19 feet to a point, said point being at the northeast corner of said Lot 9, said point also being at the southeast corner of Lot 10 as shown on said Book of Maps 1986, Page 427; Thence, along the eastern line of said Lot 10 N13°32'45"W, 212.95 feet to a point, said point being an existing iron pipe on the southern line of Lot 26 as shown on a plat recorded in Book of Maps 1994, Page 1633 in said registry; Thence, along said southern line of Lot 26 S87°59'52"E, 131.75 feet to a point, said point being an existing iron pipe at the southeast corner of said Lot 26, said point also being at the southwest corner of Lot 28 as shown on said Book of Maps 1994, Page 1633; Thence, along the southern line of said Lot 28 S88°00'52"E, 176.57 feet to an existing iron pipe at the southeast corner of said Lot 28; Thence, N03°09'22"W, 59.47 feet to an existing iron pipe at the southernmost corner of Lot 29 as shown on said plat; Thence, N02°52'45"W, 89.97 feet to an existing iron pipe; Thence, S88°06'26"E, 110.25 feet to a point, said point being an iron pipe set at the southeast corner of said Lot 29, said point also being on the western line of the David H. & Rose M. Abbott tract as recorded in Book 6171, Page 674 in said registry; Thence, along said western line S02°53'46"E, 149.64 feet to an existing iron pipe; Thence, cornering and along the southern line of said Abbott tract S89°37'55"E, 412.11 feet to an existing iron pipe at the southeast corner of said Abbott tract, said point also being on said northern right of way margin of N. Salem Street; Thence, along said right of way the following courses and distances: Thence, S46°40'56"W, 159.24 feet to a point; Thence, along a curve to the right having a radius of 11,364.91 feet, an arc length of 171.93 and a chord of S48°42'54"W, 171.93 feet to a point; Thence, along a curve to the right having a radius of 3,609.06 feet, an arc length of 167.35 and a chord of S49°17'16"W, 167.33 feet to a point; Thence, along a curve to the right having a radius of 1,885.59 feet, an arc length of 168.45 and a chord of S53°33'30"W, 168.39 feet to a point; Thence, S59°10'30"W, 218.52 feet to a point; Thence, N13°33'06"W, 15.83 feet to the Place and Point of Beginning, containing an area of 263,285 square feet or 6.04 acres, more or less.

OWNER	MAILING ADDRESS	MAILING ADDRESS 2	MAILING ADDRESS 3	SITE ADDRESS	PIN NUM
ABBOTT, DAVID H ABBOTT, ROSE M	2161 N SALEM ST	APEX NC 27523-8209		2161 N SALEM ST	0743805330
ALLEN, JOSHUA GREYSON ALLEN, MEGAN SPELL	1001 GREENLEA DR	APEX NC 27523-6600		1001 GREENLEA DR	0742794431
APEX BUSINESS CONDOMINIUM	YORK PROPERTIES INC	2108 CLARK AVE	RALEIGH NC 27605-1606	2166 N SALEM ST	0743903511
ARNS ASSOCIATES LLC	314 N DIXON AVE	CARY NC 27513-4427		2160 N SALEM ST	0742897839
ARNS ASSOCIATES LLC	2160 N SALEM ST	APEX NC 27523-8208		0 N SALEM ST	0743809076
BECTON, RALPH NEAL JR BECTON, GINA THERESA	1102 GREENLEA DR	APEX NC 27523-9298		1102 GREENLEA DR	0743707025
BRYANT, GILMER D BRYANT, SHARON M	1504 FAIR WEATHER CT	APEX NC 27523-5987		1504 FAIR WEATHER CT	0743801307
COLEMAN, CHARLES C COLEMAN, OITA C	1112 GREENLEA DR	APEX NC 27523-9298		1112 GREENLEA DR	0743708333
COMPITELLO, WILLIAM M III COMPITELLO, MARTHA P	1502 FAIR WEATHER CT	APEX NC 27523-5987		1502 FAIR WEATHER CT	0743709391
DOHM, PHILIP G DOHM, SUSAN M	1108 GREENLEA DR	APEX NC 27523-9298		1108 GREENLEA DR	0743707179
ECONOMY EXTERMINATORS INC	2160 N SALEM ST	APEX NC 27523-8208		0 N SALEM ST	0742894566
GARRITY, THOMAS M GARRITY, MARY J	1000 GREENLEA DR	APEX NC 27523-9297		1000 GREENLEA DR	0742798622
HEILSNIS, WALTER HEILSNIS, JUDY B	1506 FAIR WEATHER CT	APEX NC 27523-5987		1506 FAIR WEATHER CT	0743801574
HESTER, EDWARD L III HESTER, PATSY P	1512 SALEM CHURCH RD	APEX NC 27523-7563		1512 SALEM CHURCH RD	0743805704
HINTON, CHARLES A HINTON, KIMBERLY B	1109 GREENLEA DR	APEX NC 27523-6601		1109 GREENLEA DR	0743704292
JEWETT, SUSAN R	WILLIAM C. MANN	200 SINGLETON ST	RALEIGH NC 27606-1139	2021 N SALEM ST	0742891824
MROZEK, EDWARD JOHN MANGIAPANE, NICOLE	1113 GREENLEA DR	APEX NC 27523-6601		1113 GREENLEA DR	0743705334
PEAKSTONE PARTNERS LLC	2206 GOLDEN PLOVER DR	APEX NC 27502-1796		2000 N SALEM ST	0742799174
RIGGSBEE, PEGGY S	PO BOX 1659	APEX NC 27502-3659		1100 GREENLEA DR	0742797842
SALEM POINTE OWNERS ASSOCIATION INC	REALMANAGE	PO BOX 803555	DALLAS TX 75380-3555	1604 SALEM CHURCH RD	0743809469
SMITH, BRADLEY EDWARD SMITH, LYNNE O	1105 GREENLEA DR	APEX NC 27523-6601		1105 GREENLEA DR	0742794937
TOWN & COUNTRY KENNELS	2010 N SALEM ST	APEX NC 27523-8206		2010 N SALEM ST	0742891288
TOWN OF APEX	PO BOX 250	APEX NC 27502-0250			
Current Tenant	1100 Greenlea DR	APEX NC 27523			
Current Tenant	2000 N Salem ST	APEX NC 27523			
Current Tenant	2021 Salem ST	APEX NC 27523			
Current Tenant	2161 Salem ST	APEX NC 27523			
Current Tenant	2166 N Salem ST	APEX NC 27523			
Current Tenant	2172 N Salem ST	APEX NC 27523			
Current Tenant	2180 N Salem ST	APEX NC 27523			
Current Tenant	2186 N Salem ST	APEX NC 27523			
Current Tenant	2190 N Salem ST	APEX NC 27523			
WithersRavenel, Brendie Vega	137 S. Wilmington St #200	Raleigh, NC 27601			
Baker Residential of the Carolinas, Inc.	7001 Weston Parkway	Cary, NC 27513			

## DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 22CZ13

Submittal Date: 5/2/22

Fee for Initial Submittal: No Charge

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

### Purpose

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

### Guidelines

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

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

### Existing Development Titles, Recurring

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

\*excludes names with Green Level

**DEVELOPMENT NAME APPROVAL APPLICATION**

Application #: 22CZ13 Submittal Date: 5/2/22

**Proposed Subdivision/Development Information**

Description of location: 2021 North Salem Street  
Nearest intersecting roads: N Salem Street and Greenlea Drive  
Wake County PIN(s): 0742891824  
Township: White Oak

**Contact Information (as appropriate)**

Contact person: Brendie Vega  
Phone number: (919) 469-3340 Fax number: \_\_\_\_\_  
Address: 115 MacKenan Drive  
E-mail address: bvega@withersravenel.com  
  
Owner: Susan R. Jewett & William C. Mann  
Phone number: \_\_\_\_\_ Fax number: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail address: \_\_\_\_\_

**Proposed Subdivision/Development Name**

1<sup>st</sup> Choice: \_\_\_\_\_  
2<sup>nd</sup> Choice (*Optional*): \_\_\_\_\_

**Town of Apex Staff Approval:**

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

**AGENT AUTHORIZATION FORM**Application #: 22CZ13Submittal Date: 22CZ13

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

☒ 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: 2021 North Salem Street

The agent for this project is: WithersRavenel, Brendie Vega

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

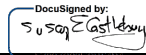
Agent Name: Brendie Vega

Address: 115 MacKenan Dr., Cary, NC 27511

Telephone Number: 919.469.3340

E-Mail Address: bvega@withersravenel.com

Signature(s) of Owner(s)\*

DocuSigned by:  


Susan Castlebury

4/29/2022

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Date

Attach additional sheets if there are additional owners.

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

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

## AGENT AUTHORIZATION FORM

Application #: 22CZ13

Submittal Date: 22CZ13

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☐ Subdivision

☐ Variance

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The property address is: 2021 North Salem Street

The agent for this project is: WithersRavenel, Brendie Vega

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

Agent Name: Brendie Vega

Address: 115 MacKenan Dr., Cary, NC 27511

Telephone Number: 919.469.3340

E-Mail Address: bvega@withersravenel.com

Signature(s) of Owner(s)\*

William C. Mann 4-30-22

William C Mann

4/30/2022

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Date

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FILED

STATE OF NORTH CAROLINA

COUNTY OF WAKE

2021 JUN 17 PM 2:00  
IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

WAKE CO., C.S.C. 20-CVS-6957

BY \_\_\_\_\_

WILLIAM C. MANN and SUSAN  
CASTLEBURY,

Plaintiff,

v.

SUSAN RAWLINGS JEWETT, ANN SINCLAIR  
FREEMAN GAZENBEEK, JUDITH LOUISE  
FREEMAN, JOY RUTH FREEMAN TILLEY,  
WILLIAM HARDIN FREEMAN, ALBERT  
WOMBLE, CHARLES MANN, RACHEL  
JORDAN, GERALD MANN, PHILIP MANN,  
KENNETH MANN, and DAVID MANN,

Defendants.

**CONSENT JUDGMENT**

This matter appearing before the Court after resolution by the appropriate parties at a mediated settlement conference, and with the consent of the appropriate parties, the Court enters the following:

**FINDINGS OF FACT**

1. Plaintiffs filed suit asserting causes of action for Quiet Title and Declaratory Judgment regarding proper title in a parcel of Wake County real property located at 2021 North Salem Street, Apex, North Carolina 27523, with PIN 0742891824 and further described in that deed recorded in the Wake County Registry in Book 686, Page 436 (the "Property").

2. The following Defendants did not answer, plead, or appear: ANN SINCLAIR FREEMAN GAZENBEEK, JUDITH LOUIS FREEMAN, JOY RUTH FREEMAN TILLEY, WILLIAM HARDIN FREEMAN, ALBERT WOMBLE, CHARLES MANN, RACHEL JORDAN, GERALD MANN, ESTATE OF PHILIP MANN, KENNETH MANN, and DAVID

MANN. They each were subsequently found in Default upon motion of Plaintiffs. (These specific defendants are collectively referred to as the “Defaulting Defendants.”)

3. Defendant SUSAN RAWLINGS JEWETT (“Jewett”) answered Plaintiffs’ Complaint and asserted Counterclaims against Plaintiffs, identical Crossclaims against Defaulting Defendants, and Affirmative Defenses. Jewett’s Counterclaims and Crossclaims sought relief under claims to Quiet Title and for Declaratory Judgment regarding ownership of the Property; Adverse Possession after both twenty and seven years; Betterments; and Waiver, Estoppel, and/or Laches.

4. Plaintiffs filed a Reply to Jewett’s Counterclaims and Affirmative Defenses. Defaulting Defendants did not.

5. Upon motion by Jewett, Defaulting Defendants were also found in default on Jewett’s crossclaims.

#### CONCLUSIONS OF LAW

6. The Court has jurisdiction over the subject matter and parties to this case.

7. All necessary parties have been joined and properly served.

8. Plaintiffs and Defaulting Defendants are cousins, identically situated, and the proper residuary heirs under the will of Pauline Bradley, probated in Wake County file 82-E-527.

9. Jewett is the heir under the will of Marsha Reams, probated in Wake County file 09-E-1938.

10. The matters for which the Parties sought declaratory relief are appropriate for determination pursuant to N.C.G.S. § 1-253.

NOW WHEREFORE, with the Consent of the appropriate parties, the Court hereby orders and adjudges as follows:

1. The Property is to be sold to satisfy the claims of the various parties.
2. Private sale of the Property is authorized.
3. Title to the real property located in Wake County located at 2021 North Salem Street, Apex, North Carolina 27523, with PIN 0742891824 and more further described in that deed recorded with the Wake County Registry in Book 686, Page 436 is vested in fee simple to the following parties as tenants-in-common: WILLIAM C. MANN, SUSAN CASTLEBURY, ANN SINCLAIR FREEMAN GAZENBEEK, JUDITH LOUISE FREEMAN, JOY RUTH FREEMAN TILLEY, WILLIAM HARDIN FREEMAN, ALBERT WOMBLE, CHARLES MANN, RACHEL JORDAN, GERALD MANN, ESTATE OF PHILIP MANN, KENNETH MANN, AND DAVID MANN.
4. A Memorandum is to be recorded with the Wake County Register of Deeds to provide notice of this Judgment.
5. The Plaintiffs shall have full authority to list, contract for, sell, and convey fee simple title to the Property without need of joinder by any other party. Plaintiffs' execution of all documents, governmental applications, and authorizations related to the sale of the Property shall be binding upon Defaulting Defendants and of the nature of acting as attorneys-in-fact as described in N.C.G.S. § 32C-2-204(2) for Defaulting Defendants.
6. Jewett shall bear no expense related to the listing, contract for, or sale of the Property.
7. Jewett shall receive the first \$180,000.00 realized from the closing of the sale of the property with no offset of any kind.
8. The Property shall be listed for sale by a licensed real estate broker within sixty (60) days after entry of this Judgment.

9. The Property shall remain continuously listed and good faith efforts made to effectuate a sale until a sale is finalized.
10. The sale must be to a third-party and cannot be to any Party to this action.
11. The Property shall not be sold for a sum insufficient to pay Jewett \$180,000.00.
12. Jewett shall be paid from the proceeds from closing directly by the closing attorney, payment to be made to Jewett and delivered to her attorney, Sandra Martin Clark, Manning Fulton & Skinner, PO Box 20389, Raleigh, NC 27619-0389
13. The proceeds of the sale, after Jewett shall be paid \$180,000.00, shall first go to Plaintiffs for attorney fees and costs incurred in this matter. Thereafter, the remaining proceeds shall be evenly divided between WILLIAM C. MANN, SUSAN CASTLEBURY, ANN SINCLAIR FREEMAN GAZENBEEK, JUDITH LOUISE FREEMAN, JOY RUTH FREEMAN TILLEY, WILLIAM HARDIN FREEMAN, ALBERT WOMBLE, CHARLES MANN, RACHEL JORDAN, GERALD MANN, ESTATE OF PHILIP MANN, KENNETH MANN, AND DAVID MANN.
14. Entry of this Judgment, along with the contemporaneous entry of a Consent Declaratory Judgment resolves all outstanding claims of the parties and constitutes a final Judgment.
15. The Parties hereto, their heirs, purchasers, and assigns, and anyone claiming through them (including the Defaulting Defendants), agree and are deemed to release each other from any and all claims relating to the ownership, occupancy, rents, profits, proceeds or condition of the Property, except as specifically set forth above.



This 12 day of May, 2021.

CONSENTED TO:

Plaintiffs:

  
WILLIAM C. MANN

Attorney for Plaintiffs:  
Hatch, Little & Bunn, LLP

  
SEAN G. DELANEY

\_\_\_\_\_  
SUSAN CASTLEBURY

Defendant:

Attorney for Defendant:  
Manning, Fulton & Skinner, P.A.

\_\_\_\_\_  
SUSAN RAWLINGS JEWETT

\_\_\_\_\_  
WILLIAM C. SMITH

20 cws6957

This 15 day of May, 2021.

CONSENTED TO:

Plaintiffs:

Attorney for Plaintiffs:  
Hatch, Little & Bunn, LLP

\_\_\_\_\_  
WILLIAM C. MANN

\_\_\_\_\_  
SEAN G. DELANEY

  
\_\_\_\_\_  
SUSAN CASTLEBURY

Defendant:

Attorney for Defendant:  
Manning, Fulton & Skinner, P.A.

\_\_\_\_\_  
SUSAN RAWLINGS JEWETT

\_\_\_\_\_  
WILLIAM C. SMITH

20 cas 6957

This 7 day of July, 2021.

  
SUPERIOR COURT JUDGE PRESIDING

CONSENTED TO:

Plaintiffs:

Attorney for Plaintiffs:  
Hatch, Little & Bunn, LLP

\_\_\_\_\_  
WILLIAM C. MANN

\_\_\_\_\_  
SEAN G. DELANEY

\_\_\_\_\_  
SUSAN CASTLEBURY

Defendant:

Attorney for Defendant:  
Manning, Fulton & Skinner, P.A.

  
SUSAN RAWLINGS JEWETT

  
WILLIAM C. SMITH



Prepared by: Sean G. Delaney, Esq.  
Return to : Hatch, Little & Bunn, LLP, P.O. Box 527, Raleigh, NC 27602

MEMORANDUM OF TITLE BY JUDGMENT

Property: 2021 North Salem Street, Apex, NC 27523  
Real Estate ID: 0007533  
PIN: 0742891824  
Mailing Address: 200 Singleton Street, Raleigh, NC 27606

This Notice is made and given this 8<sup>th</sup> day of July, 2021. By Judgment entered by the Superior Court of Wake County in file number 20-CVS-6957, title to the above-described property is vested in the following individuals:

WILLIAM C. MANN, SUSAN CASTLEBURY, ANN SINCLAIR FREEMAN  
GAZENBEEK, JUDITH LOUISE FREEMAN, JOY RUTH FREEMAN TILLEY,  
WILLIAM HARDIN FREEMAN, ALBERT WOMBLE, CHARLES MANN, RACHEL  
JORDAN, GERALD MANN, ESTATE OF PHILIP MANN, KENNETH MANN,  
AND DAVID MANN.

Attention is directed to the final Judgment entered in 20-CVS-6957 for full explanation of the rights and powers of the parties.

HATCH, LITTLE & BUNN, LLP  
*Attorneys for William C. Mann and*  
*Susan Castlebury*



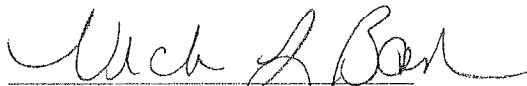
Sean G. Delaney

Submitted electronically by "Hatch Little and Bunn LLP"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Wake County Register of Deeds.

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

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

Date: July 8, 2021

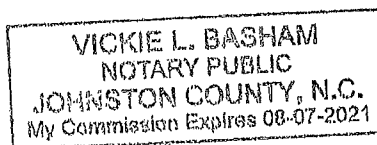


Official Signature of Notary



Printed Name of Notary Public

My Commission expires: \_\_\_\_\_



# AFFIDAVIT OF OWNERSHIP

Application #: 22CZ13

Submittal Date: 5-2-22

The undersigned, Brendie Vega (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 2021 N Salem St., Apex, NC 27523 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 6/11/2009, and recorded in the Wake County Register of Deeds Office on 6/11/2009, in Book 09-E Page 1938.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on \_\_\_\_\_, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on \_\_\_\_\_, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 2nd day of May, 2022.

Brendie Vega (seal)

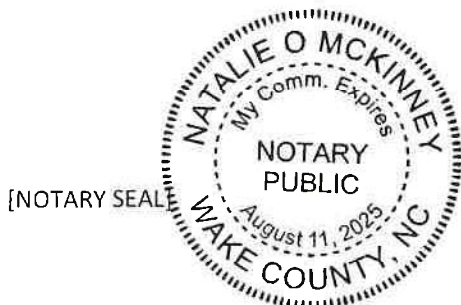
Brendie Vega

Type or print name

STATE OF NORTH CAROLINA

COUNTY OF Wake

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



Natalie O. McKinney

Notary Public

State of North Carolina

My Commission Expires: 8/11/2025

Developer Company Information	
Company Name	Baker Residential
Company Phone Number	9842752223
Developer Representative Name	Mark Bowles
Developer Representative Phone Number	9196561291
Developer Representative Email	mbowles@bakerresidential.com

New Residential Subdivision Information	
Date of Application for Subdivision	May 2, 2022
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	TBD
Address of Subdivision (if unknown enter nearest cross streets)	2021 N Salem St., Apex, NC 27523
REID(s)	0007533
PIN(s)	0742891824

Projected Dates Information	
Subdivision Completion Date	2026
Subdivision Projected First Occupancy Date	2024

Lot by Lot Development <i>Information</i>																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family																	
Townhomes					10	30		2,100	2,100	\$400k	\$500k	2026	40				
Condos																	
Apartments																	
Other																	

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

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

Please send any questions about this form to:

[studentassignment-gis-group@wcpss.net](mailto:studentassignment-gis-group@wcpss.net)



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Environmental Planning   Environmental Permitting   Environmental Consulting   Environmental Construction Management   Expert Testimony

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15 December 2021

Mr. V. Mark Bowles  
Director of Land Acquisition, Raleigh  
**Baker Residential**  
7001 Weston Parkway, Suite 150  
Cary, NC 27513

RE: **2021 N Salem St. – Wetland/Stream Delineation Memo**

Mr. Bowles:

Upon your authorization Spangler Environmental, Inc. (SEI) visited the subject property, located at 2021 N Salem St., Wake County, North Carolina (Wake County PIN# 0742891824) on 30 November 2021 to determine if the subject property contains Waters of the United States (WOTUS), or waters of the state subject to the Clean Water Act (CWA), the Isolated Wetland and other state Rules, the Neuse Buffer Rules and/or Wake County ordinances.

**Wetland Delineation/Stream Determination:**

During the field investigation SEI did not identify any wetland or stream features in the project area. The 1970 Natural Resources Conservation Service Soil Survey map (Sheet 56) and the 2019 Cary, NC USGS Quadrangle do not depict any stream features within the property, and therefore no NC Protected Riparian Buffer areas are located on the site.

Attached is a map showing the property boundary over an aerial photo, as well as USGS and NRCS maps.

**Conclusions & Recommendations:**

Based on the absence of wetland and stream features delineated by SEI during the site reconnaissance, we recommend that additional steps be taken to obtain regulatory confirmation prior to site development activities. Specifically, we recommend that a Preliminary Jurisdictional Determination (PJD) be requested from USACE. Should you wish to proceed with the PJD, please advise and we will provide scope and fee for this.

Please feel free to contact us should you have questions regarding these data or recommendations.

Sincerely,  
Spangler Environmental, Inc.

Lisa Long  
Environmental Scientist – Land & Water Resources

Ward Marotti  
Director – Land & Water Resources

**Attachments:**

Stream and Wetland Delineation Map  
USGS Topographic Map  
NRCS Soil Survey Map

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**References:**

1. Wake County GIS website.
2. USGS Cary, NC 7.5 Minute Topographic Quadrangle (2019).
3. Natural Resource Conservation Service. Soil Survey of Wake County (1970) (Sheet 56).

**Vega, Brendie**

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**Subject:** FW: 2021 N. Salem street pics

**Attachments:** House 2.jpg; House 4.jpg; House 6.jpg; 2021 N Salem Street letter 6-8-22.pdf



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**From:** Scott Thompson <[scott@jsthompson.com](mailto:scott@jsthompson.com)>

**Sent:** Wednesday, June 8, 2022 4:54 PM

**To:** Scott Thompson <[scott@jsthompson.com](mailto:scott@jsthompson.com)>

**Subject:** 2021 N. Salem street pics



























































Sincerely,

Scott

(Sent from my cell phone; please pardon typos and brevity)

J. Scott Thompson, PE  
President  
J.S. Thompson Engineering, Inc.  
606 Wade Avenue  
Raleigh, NC. 27605



----- This message  
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**2021 N Salem St**

2021 N Salem St  
Apex, NC  
6.0 acres December 2021 20211116



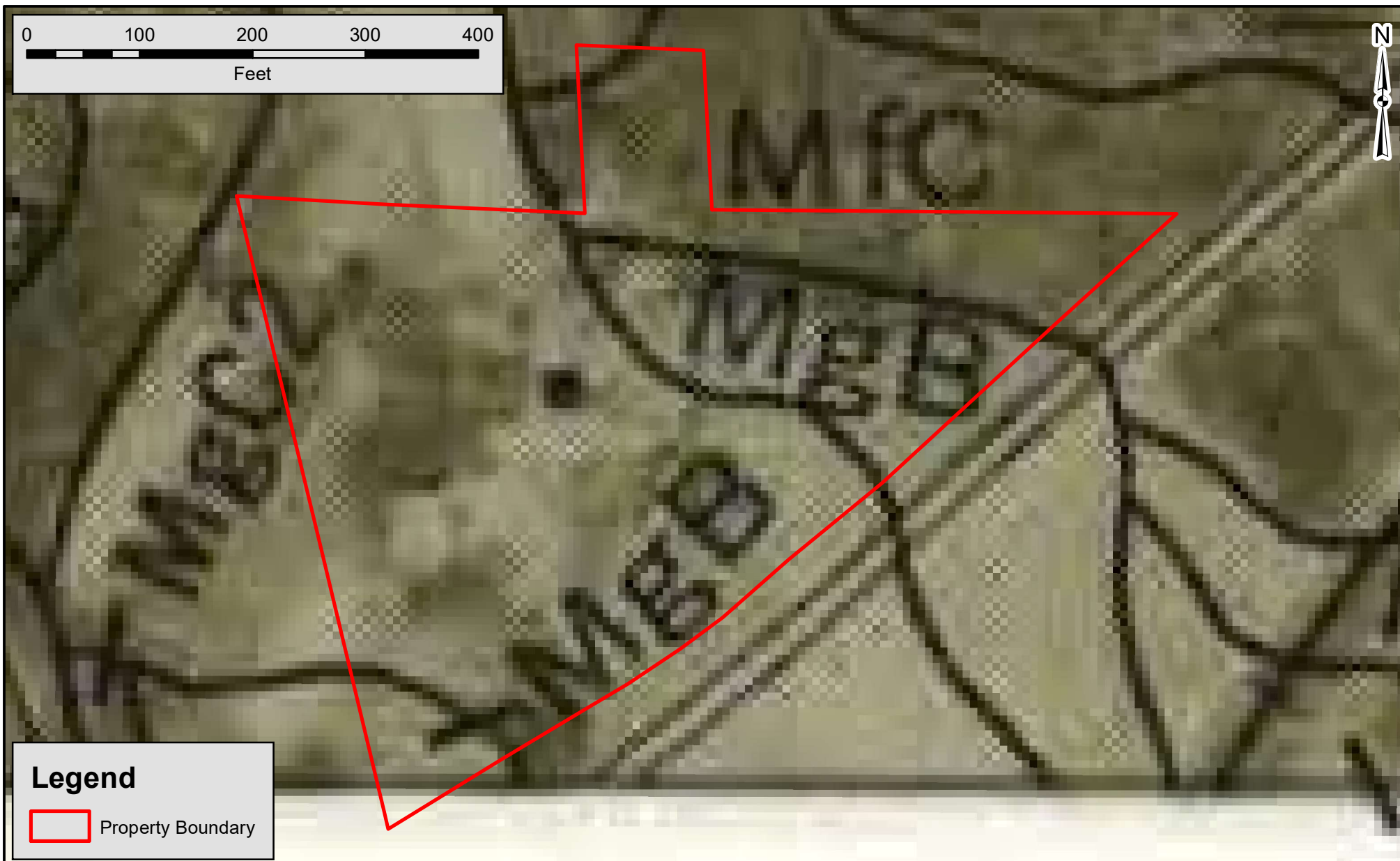
4338 Bland Road (919) 875-4288  
Raleigh, North Carolina SpanglerEnvironmental.com

**Stream & Wetland  
Delineation Map**

Map Source:  
Wake County GIS







**2021 N Salem St**

2021 N Salem St  
Apex, NC  
6.0 acres December 2021 20211116



4338 Bland Road (919) 875-4288  
Raleigh, North Carolina SpanglerEnvironmental.com

**NRCS Soil Survey Map**

Map Source:  
NRCS 1970 Soil Survey of  
Wake County (Sheet 56)



April 4, 2022

**RE: 2021 N Salem St. (PIN 0742891824)**

Neighboring Residents and Property Owners:

You are invited to attend a neighborhood meeting on April 19, 2022, at the Halle Cultural Arts Center of Apex. Additional details follow.

Event: 2021 N Salem St. Neighborhood Meeting  
Location: Halle Cultural Arts Center of Apex  
Address: 237 N Salem St., Apex, NC, 27502  
Time: 6 pm - 8 pm

The purpose of this meeting is to discuss a proposed rezoning of the property located at 2021 N Salem St. (PIN 0742891824). This site is currently located in the Town of Apex's extraterritorial jurisdiction (ETJ). The request is to annex the property into the Town of Apex's corporate limits and rezone PIN 0742891824 from Residential Agricultural (RA) to Planned Unit Development – Conditional Zoning (PUD-CZ).

If you have further questions about the rezoning request or would like to submit written comments, contact Brendie Vega at [bvega@withersravenel.com](mailto:bvega@withersravenel.com) or call (919) 469-3340. You can also contact the Town of Apex Planning Department by calling (919) 249-3426.

Sincerely,  
WithersRavenel

Brendie Vega, AICP  
Director of Planning

# NOTICE OF NEIGHBORHOOD MEETING

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

04/04/2022

Date

Dear Neighbor:

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

2021 North Salem St.

0742891824

Address(es)

PIN(s)

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

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

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

\*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

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

Proposal to rezone this site from RA to PUD-CZ. The anticipated unit breakdown is about 30 townhouse units.

Estimated submittal date: May 2, 2022

## MEETING INFORMATION:

Property Owner(s) name(s): Susan R. Jewett & William C. Mann

Applicant(s): WithersRavenel

Contact information (email/phone): Brendie Vega, bvega@withersravenel.com

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

Date/Time of meeting\*\*: April 19th 6 pm - 8 pm

Welcome: 6 pm Project Presentation: 6:15 pm Question & Answer: 6:45 pm

\*\*Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning and Community Development Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at <http://www.apexnc.org/180/Planning-Community-Development>.



# PROJECT CONTACT INFORMATION

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

## Development Contacts:

Project Name: N. Salem St. Zoning: RA

Location: 2021 N. Salem St., Apex, NC

Property PIN(s): 0742891824 Acreage/Square Feet: 6.00

Property Owner: Susan R. Jewett & William C. Mann

Address: 200 Singleton St.

City: Raleigh State: NC Zip: 27606

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

Developer: Baker Residential of the Carolinas, LLC

Address: 7001 Weston Parkway, Suite 150

City: Cary State: NC Zip: 27513

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

Engineer: WithersRavenel, Brendie Vega

Address: 115 MacKenan Drive

City: Cary State: NC Zip: 27511

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: bvega@withersravenel.com

Builder (if known): \_\_\_\_\_

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

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

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

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

## Town of Apex Department Contacts

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

### **Providing Input to Town Council:**

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

### **Private Agreements and Easement Negotiation:**

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

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

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

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

### **Documentation:**

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

# COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

<b>Construction Traffic:</b>	<b>James Misciagno</b>	<b>919-372-7470</b>
------------------------------	------------------------	---------------------

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

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

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

<b>Dirt in the Road:</b>	<b>James Misciagno</b>	<b>919-372-7470</b>
--------------------------	------------------------	---------------------

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

<b>Dirt on Properties or in Streams:</b>	<b>James Misciagno</b> <b>Danny Smith</b>	<b>919-372-7470</b> <b><a href="mailto:Danny.Smith@ncdenr.gov">Danny.Smith@ncdenr.gov</a></b>
--	--	--

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

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

<b>Trash:</b>	<b>James Misciagno</b>	<b>919-372-7470</b>
---------------	------------------------	---------------------

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

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

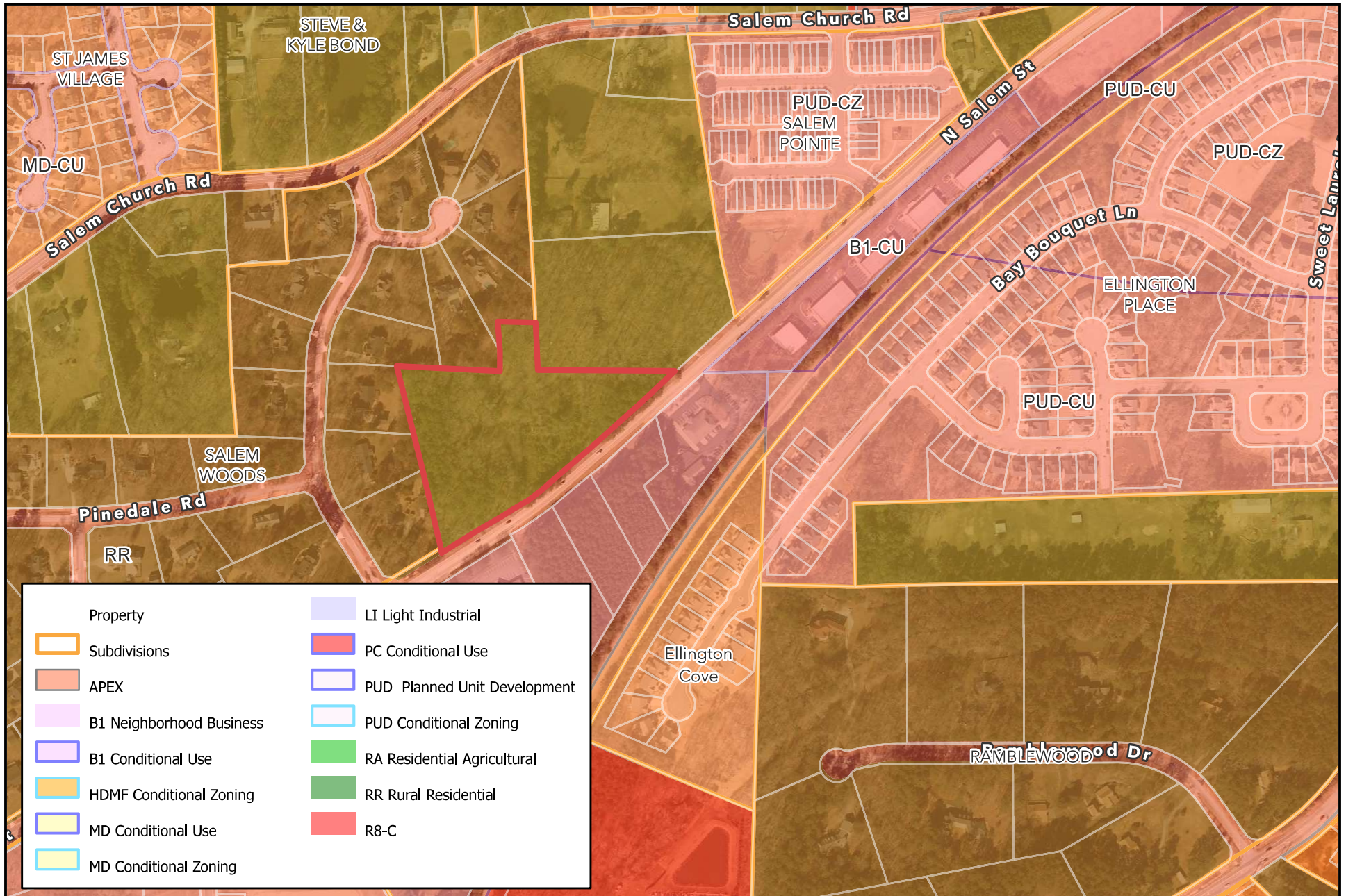
<b>Stormwater Control Measures:</b>	<b>Jessica Bolin</b>	<b>919-249-3537</b>
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Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica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

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





## Zoning Exhibit



0 200 400 800 ft  
1 inch equals 400 feet

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

OWNER	MAILING ADDRESS	MAILING ADDRESS 2	MAILING ADDRESS 3	SITE ADDRESS	PIN NUM
ABBOTT, DAVID H ABBOTT, ROSE M	2161 N SALEM ST	APEX NC 27523-8209		2161 N SALEM ST	0743805330
ALLEN, JOSHUA GREYSON ALLEN, MEGAN SPELL	1001 GREENLEA DR	APEX NC 27523-6600		1001 GREENLEA DR	0742794431
APEX BUSINESS CONDOMINIUM	YORK PROPERTIES INC	2108 CLARK AVE	RALEIGH NC 27605-1606	2166 N SALEM ST	0743903511
ARNS ASSOCIATES LLC	314 N DIXON AVE	CARY NC 27513-4427		2160 N SALEM ST	0742897839
ARNS ASSOCIATES LLC	2160 N SALEM ST	APEX NC 27523-8208		0 N SALEM ST	0743809076
BECTON, RALPH NEAL JR BECTON, GINA THERESA	1102 GREENLEA DR	APEX NC 27523-9298		1102 GREENLEA DR	0743707025
BRYANT, GILMER D BRYANT, SHARON M	1504 FAIR WEATHER CT	APEX NC 27523-5987		1504 FAIR WEATHER CT	0743801307
COLEMAN, CHARLES C COLEMAN, OITA C	1112 GREENLEA DR	APEX NC 27523-9298		1112 GREENLEA DR	0743708333
COMPITELLO, WILLIAM M III COMPITELLO, MARTHA P	1502 FAIR WEATHER CT	APEX NC 27523-5987		1502 FAIR WEATHER CT	0743709391
DOHM, PHILIP G DOHM, SUSAN M	1108 GREENLEA DR	APEX NC 27523-9298		1108 GREENLEA DR	0743707179
ECONOMY EXTERMINATORS INC	2160 N SALEM ST	APEX NC 27523-8208		0 N SALEM ST	0742894566
GARRITY, THOMAS M GARRITY, MARY J	1000 GREENLEA DR	APEX NC 27523-9297		1000 GREENLEA DR	0742798622
HEILSNIS, WALTER HEILSNIS, JUDY B	1506 FAIR WEATHER CT	APEX NC 27523-5987		1506 FAIR WEATHER CT	0743801574
HESTER, EDWARD L III HESTER, PATSY P	1512 SALEM CHURCH RD	APEX NC 27523-7563		1512 SALEM CHURCH RD	0743805704
HINTON, CHARLES A HINTON, KIMBERLY B	1109 GREENLEA DR	APEX NC 27523-6601		1109 GREENLEA DR	0743704292
JEWETT, SUSAN R	WILLIAM C. MANN	200 SINGLETON ST	RALEIGH NC 27606-1139	2021 N SALEM ST	0742891824
MROZEK, EDWARD JOHN MANGIAPANE, NICOLE	1113 GREENLEA DR	APEX NC 27523-6601		1113 GREENLEA DR	0743705334
PEAKSTONE PARTNERS LLC	2206 GOLDEN PLOVER DR	APEX NC 27502-1796		2000 N SALEM ST	0742799174
RIGGSBEE, PEGGY S	PO BOX 1659	APEX NC 27502-3659		1100 GREENLEA DR	0742797842
SALEM POINTE OWNERS ASSOCIATION INC	REALMANAGE	PO BOX 803555	DALLAS TX 75380-3555	1604 SALEM CHURCH RD	0743809469
SMITH, BRADLEY EDWARD SMITH, LYNNE O	1105 GREENLEA DR	APEX NC 27523-6601		1105 GREENLEA DR	0742794937
TOWN & COUNTRY KENNELS	2010 N SALEM ST	APEX NC 27523-8206		2010 N SALEM ST	0742891288
TOWN OF APEX	PO BOX 250	APEX NC 27502-0250			
Current Tenant	1100 Greenlea DR	APEX NC 27523			
Current Tenant	2000 N Salem ST	APEX NC 27523			
Current Tenant	2021 Salem ST	APEX NC 27523			
Current Tenant	2161 Salem ST	APEX NC 27523			
Current Tenant	2166 N Salem ST	APEX NC 27523			
Current Tenant	2172 N Salem ST	APEX NC 27523			
Current Tenant	2180 N Salem ST	APEX NC 27523			
Current Tenant	2186 N Salem ST	APEX NC 27523			
Current Tenant	2190 N Salem ST	APEX NC 27523			
WithersRavenel, Brendie Vega	137 S. Wilmington St #200	Raleigh, NC 27601			
Baker Residential of the Carolinas, Inc.	7001 Weston Parkway	Cary, NC 27513			

# 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 disc used to third parties.

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

Date of meeting: April 19, 2022 Time of meeting: 6 - 8 p.m.

Property Owner(s) name(s): Susan R Jewett and William C Mann

Applicant(s): WithersRavenel

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.	John Economy EXT	1000 CARR FREE COVE	919-669-2800		yes
2.	ANN MORGAN	2160 N. SALEM ST	919-781-6691		yes
3.	GREGORY COLEMAN	2729 TOWNEDGE CT	919-461-5729		yes
4.	WILLIAM R. MANN	2509 EAGLE WATCH CT.	919-851-3745		yes
5.	JUDY HEILSNIS	200 SINGLETON ST.	919-924-4841		yes
6.	Brendie Vega	1506 Fair Weather Ct	919-5355212		
7.	Caroline Richardson	1375 Wilmington Rte	803 603 2883		withersravenel.com
8.	Mark Bowles	1375 Wilmington St.	919-656-1291		
9.	ED TANG	7001 Winton Pkwy Cary 27513	919-238-0338		
10.		115 Mackenaw Dr.			
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.



# SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Susan R Jewett and William C Mann

Applicant(s): WithersRavenel

Contact information (email/phone): bvega@withersravenel.com

Meeting Address: Halle Cultural Arts Center of Apex 237 N Salem St, Apex, NC 27502

Date of meeting: April 19, 2022 Time of meeting: 6 - 8 p.m.

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:

Traffic. Residents expressed concern about the visibility along N Salem St. They also were worried about increased traffic volumes.

Applicant's Response:

The applicant explained that they would be working closely with NCDOT and the Town of Apex to determine a safe location for neighborhood access along N Salem St. The applicant explained that a TIA would not be required for a project of this size.

Question/Concern #2:

Buffers and RCAs. Residents asked about the placement, width, and opacity of the perimeter and streetscape buffers on the site.

Applicant's Response:

The applicant displayed a concept plan with the required buffers. They explained that Resource Conservation Areas would not be disturbed.

Question/Concern #3:

Density. The neighbors asked for an explanation of how the density was calculated.

Applicant's Response:

The applicant explained that the density was based on gross, not net, acreage.

Question/Concern #4:

Timeline. Residents wanted to know the timeline for approvals and construction.

Applicant's Response:

The builder provided a tentative timeline. Rezoning would be addressed by Council in the fall. Construction would likely begin approximately one year later at the earliest.

# 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): Susan R Jewett and William C Mann

Applicant(s): WithersRavenel

Contact information (email/phone): bvega@withersravenel.com

Meeting Address: Halle Cultural Arts Center of Apex 237 N Salem St, Apex, NC 27502

Date of meeting: April 19, 2022 Time of meeting: 6 - 8 p.m.

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:

Housing Product. Residents asked about the product type.

Applicant's Response:

The builder explained that the townhome product would be two stories with an attic on some units. The builder also provided examples of its existing developments including McKenzie Ridge and Weddington. The homes are planned to have slab foundations.

Question/Concern #2:

Stormwater Management. Residents asked about plans for stormwater runoff.

Applicant's Response:

The applicant shared that there would be at least two stormwater ponds on the side to collect and treat runoff. The locations shown on the existing concept plan are approximate.

Question/Concern #3:

Tree Health. One resident shared that her property was experiencing tree decay and disease. She asked how the applicant would protect existing trees.

Applicant's Response:

The applicant explained that tree protection fencing would be required during construction. In addition, disturbance is not permitted in Resource Conservation Areas and most buffers.

Question/Concern #4:

Applicant's Response:

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

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

I, Brendie Vega, do hereby declare as follows:  
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at 237 N Salem St, Apex, NC 27502 (location/address) on April 19, 2022 (date) from 6 p.m. (start time) to 8 p.m. (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.

5/2/2022  
Date

By: Brendie Vega

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Natalie O. McKinney, a Notary Public for the above State and County, on this the 2<sup>nd</sup> day of May, 2022.

SEAL



Natalie O. McKinney  
Notary Public  
Natalie O. McKinney  
Print Name

My Commission Expires: 8/11/2025





May 24, 2022

**RE: 2021 N Salem St. (PIN 0742891824)**

Neighboring Residents and Property Owners:

You are invited to attend a virtual neighborhood meeting on June 8th, 2022. Additional details follow.

Event: 2021 N Salem St. Neighborhood Meeting  
Location: Virtual  
Address: WebEx - Register at <https://bit.ly/3ISXWdL>  
Time: 5:00 pm - 7:00 pm

Dear resident,

On April 19th, 2022 we held a neighborhood meeting for a rezoning of 2021 N. Salem St. One of the residents in attendance at that neighborhood meeting pointed out that the mailing included "30 dwelling units," as the proposed number of townhomes to be in the rezoning. We sincerely apologize for this error as we are requesting up to 40 dwelling units as part of our rezoning request. In light of the error on the notice, we will be holding a second neighborhood meeting. This meeting will be virtual.

The purpose of the meeting is to discuss a proposed rezoning of the property located at 2021 N Salem St. (PIN 0742891824). This site is currently located in the Town of Apex's extraterritorial jurisdiction (ETJ). The request is to annex the property into the Town of Apex's corporate limits and rezone PIN 0742891824 from Residential Agricultural (RA) to Planned Unit Development – Conditional Zoning (PUD-CZ).

If you have further questions about the rezoning request or would like to submit written comments, contact Brendie Vega at [bvega@withersravenel.com](mailto:bvega@withersravenel.com) or call (919) 469-3340. You can also contact the Town of Apex Planning Department by calling (919) 249-3426.

Sincerely,  
WithersRavenel

Brendie Vega, AICP  
Director of Planning







# NOTICE OF NEIGHBORHOOD MEETING

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

05/24/2022

Date



Use the QR code or register  
at: <https://bit.ly/3ISXWdL>

Dear Neighbor:

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

2021 North Salem St.

0742891824

Address(es)

PIN(s)

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

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

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

\*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

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

Proposal to rezone this site from RA to PUD-CZ. The anticipated unit breakdown is  
up to 40 townhouse units.

Estimated submittal date: June 2022

## MEETING INFORMATION:

Property Owner(s) name(s): Susan R. Jewett & William C. Mann

Applicant(s): WithersRavenel

Contact information (email/phone): Brendie Vega, bvega@withersravenel.com

Meeting Address: <https://bit.ly/3ISXWdL> or call-in at US Toll +1-415-655-0001 / Access Code: 24303922232

Date/Time of meeting\*\*: June 8th, 2022 / 5:00 pm - 7:00 pm

Welcome: 5:00 pm Project Presentation: 5:15 pm Question & Answer: 5:30 pm

\*\*Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning and Community Development Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at <http://www.apexnc.org/180/Planning-Community-Development>.



# PROJECT CONTACT INFORMATION

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

## Development Contacts:

Project Name: N. Salem St. Zoning: RA

Location: 2021 N. Salem St., Apex, NC

Property PIN(s): 0742891824 Acreage/Square Feet: 6.00

Property Owner: Susan R. Jewett & William C. Mann

Address: 200 Singleton St.

City: Raleigh State: NC Zip: 27606

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

Developer: Baker Residential of the Carolinas, LLC

Address: 7001 Weston Parkway, Suite 150

City: Cary State: NC Zip: 27513

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

Engineer: WithersRavenel, Brendie Vega

Address: 115 MacKenan Drive

City: Cary State: NC Zip: 27511

Phone: 919-535-5212 Fax: \_\_\_\_\_ Email: bvega@withersravenel.com

Builder (if known): Baker Residential

Address: same as developer

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

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

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

## Town of Apex Department Contacts

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

### **Providing Input to Town Council:**

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

### **Private Agreements and Easement Negotiation:**

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

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

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

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

### **Documentation:**

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

# COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

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

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

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

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

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

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

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

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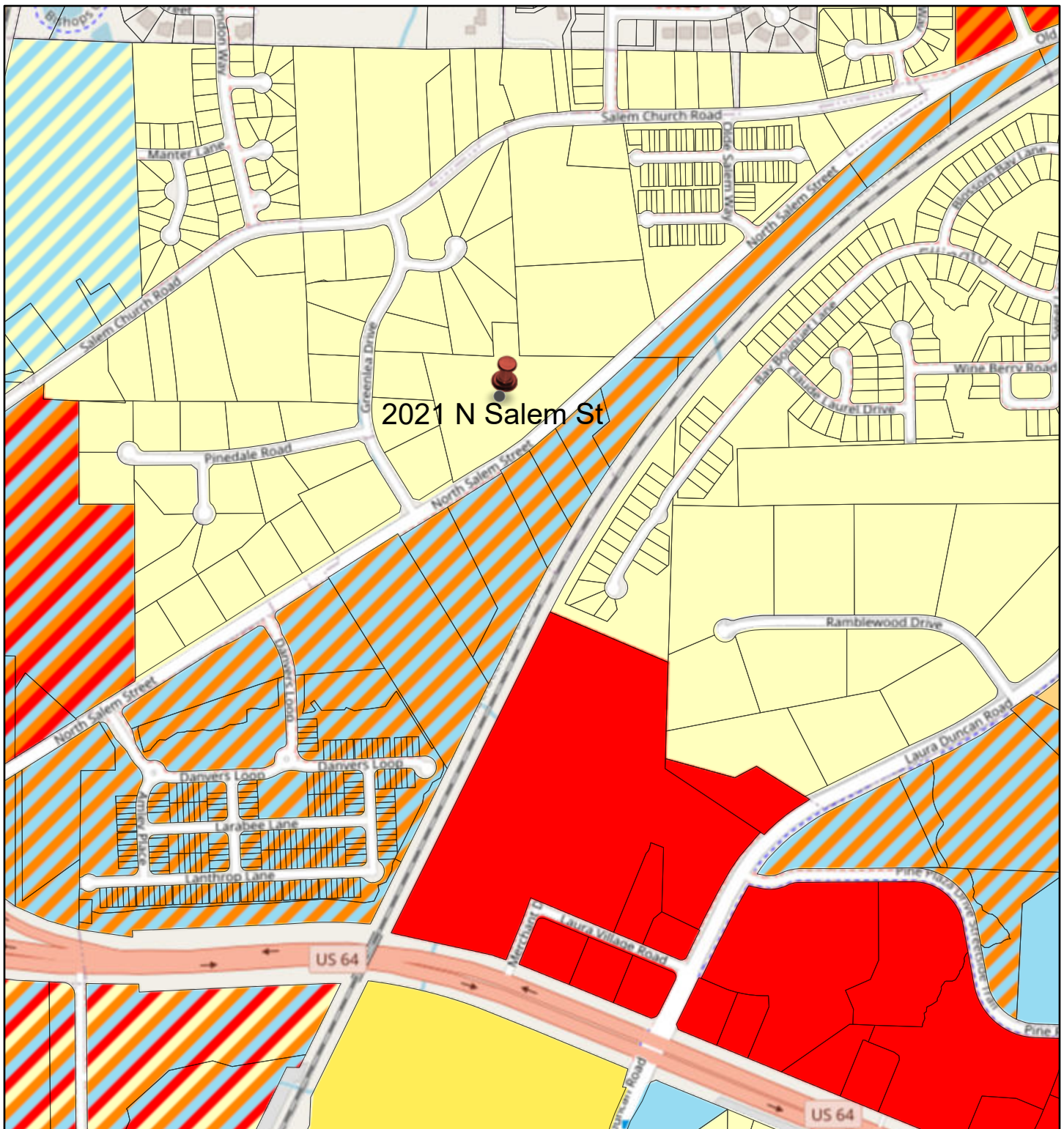
Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

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



# 2021 N Salem Street - Future Land Use Map



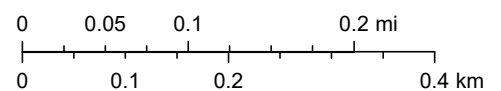
5/23/2022, 3:27:10 PM

1:9,028

## Future Land Use

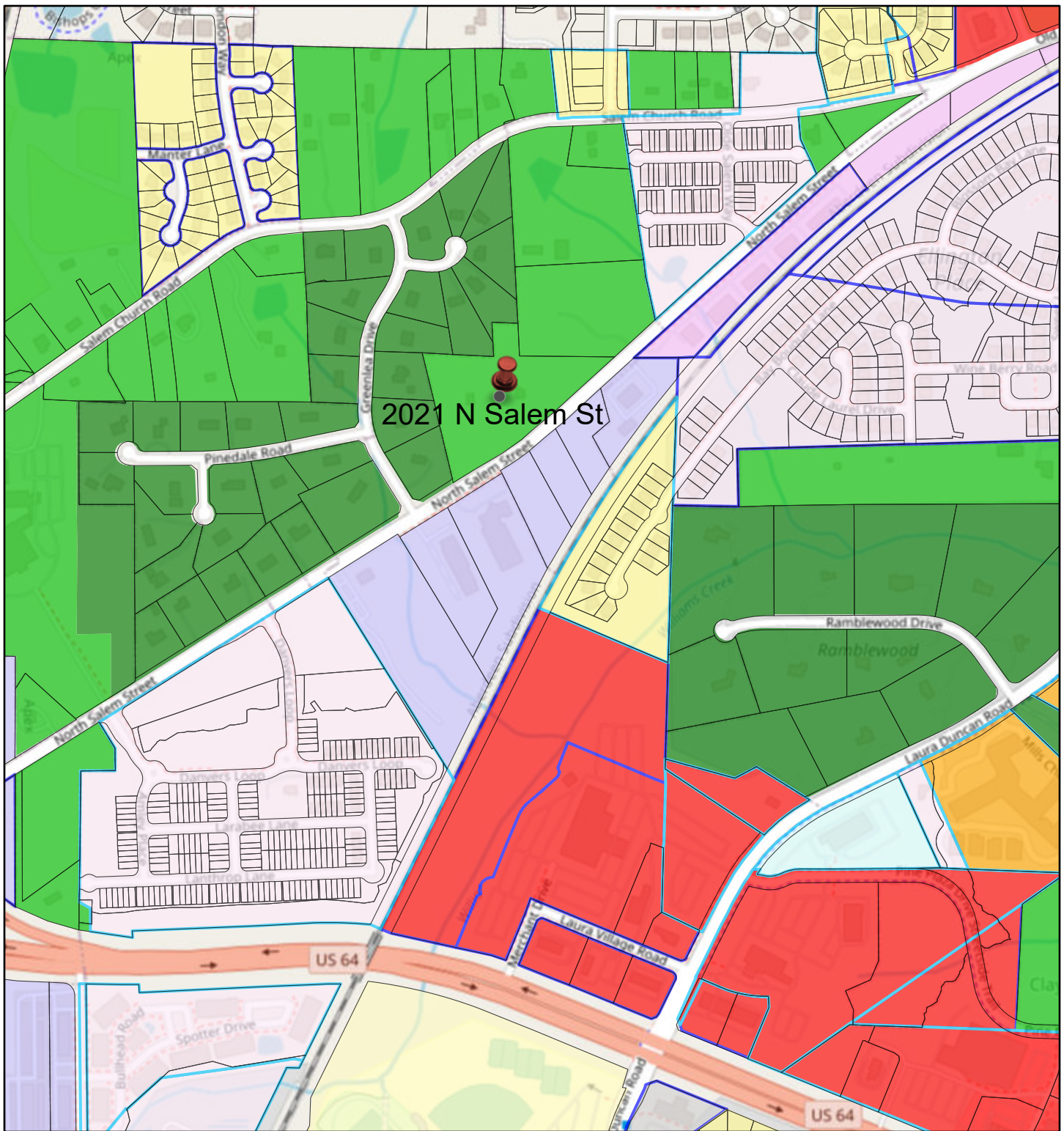
- Protected Open Space
- Rural Density Residential
- Golf Course
- Low Density Residential
- Low Density Residential, Office Employment
- Low Density Residential, Commercial Services

Medium Density Residential



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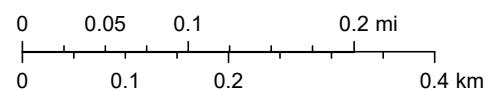
# 2021 N Salem St Zoning



5/23/2022, 3:32:48 PM

1:9,028

- |                               |                            |
|-------------------------------|----------------------------|
| Parcels (Zoom In to See)      | MD Conditional Zoning      |
| <b>Zoning Districts</b>       | LD Low Density Residential |
| B1 Neighborhood Business      | LI Light Industrial        |
| B1 Conditional Use            | LI Conditional Use         |
| HDMF Conditional Zoning       | O&I Conditional Use        |
| MD Medium Density Residential | PC Planned Commercial      |
| MD Conditional Use            |                            |



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Attendance Count	Event Name	Event Start Date	Event Start Time	Event End Time	Event/Recording Duration	User Type	FirstName
1	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Panelist	Brendie
2	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Host	WithersRavenel
3	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Attendee	Rose
4	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Attendee	christian
6	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Attendee	Ann
7	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Panelist	Ed



LastName	Email	Attended	Join Time	Registration Date/Time	Registration ID	Okay to send email	Phone
Vega		Yes	4:55 pm New York Time			0 No	1-
Raleigh		Yes	4:48 pm New York Time			0 No	1-
Motley-Abbott		Yes	4:55 pm New York Time	June 8, 2022 4:06 pm New York Time	815956	No	1-
campbell		Yes	5:03 pm New York Time	June 8, 2022 5:03 pm New York Time	885048	No	1-
Morgan		Yes	5:00 pm New York Time	June 8, 2022 2:31 pm New York Time	203194	No	1-9197816691
Tang		Yes	5:01 pm New York Time			0 No	1-

All sessions in Eastern Daylight Time (New York, GMT-04:00)  
Session detail for 'N. Salem St. Neighborhood Meeting ':  
\*Attention to Duration ratio: Attentiveness based on total duration of the event.  
\*\*Attention to Attendance ratio: Attentiveness based on how long participant was in the event.

Participant	Audio Type	Name	Date	Invited	Registered	Start time	End time	Duration	*Attention to Duration ratio	**Attention to Attendance ratio
1		WithersRavenel Raleigh	6/8/2022	No	No	4:48 PM	7:02 PM	135 mins	100%	100%
2		WithersRavenel Raleigh	6/8/2022	No	No	4:56 PM	7:02 PM	127 mins	94%	100%
3		christian campbell	6/8/2022	No	Yes	5:05 PM	6:08 PM	64 mins	47%	100%
4		christian campbell	6/8/2022	No	Yes	5:03 PM	5:05 PM	3 mins	2%	100%
5		Ed Tang	6/8/2022	Yes	No	5:01 PM	5:44 PM	43 mins	32%	100%
6		ann morgan	6/8/2022	No	Yes	5:06 PM	6:51 PM	106 mins	79%	100%
7		Rose Motley-Abbott	6/8/2022	No	Yes	5:00 PM	5:43 PM	44 mins	32%	100%
8	Call-in	Call-in User_2	6/8/2022			5:01 PM	5:52 PM	51 mins		

June 10, 2022

**RE: Baker Residential – 2021 N. Salem St.  
Neighborhood Meeting Summary  
2021 North Salem Street PUD Project No. 22CZ13  
WR Project No. 02211366.00**

1. Rose: What are the structures CAP has identified
  - ▶ **Brendie: There are about 7 structures**
  - ▶ **The 2-story brick house and the tobacco barn**
2. Rose: what about the trees
  - ▶ **We are looking at a stormwater pond on the NE**
  - ▶ **There will have that 20-foot buffer and houses have to be at least 10 feet from it**
3. Rose: For the peninsula, you said the trees would be undisturbed?
  - ▶ **Brendie: Yes, that is what we anticipate at this time**
4. David: Where will the entrance be located? It wouldn't be where the old driveway was, correct?
  - ▶ **Brendie: correct, we have shown it where we think site distance will be best but it is subject to Apex and NCDOT approval**
    - 1) Rose's husband, David: that's good
5. Rose: would trees be preserved?
  - ▶ **Brendie: yes, there will be trees preserved, at this time it is too early to tell which but we will try to save those in the peninsula and those in the perimeter buffers**
    - a. Rose: what will that mean?
      - ▶ **Brendie: Those that we can save we will have tree protection fencing around them**
6. Rose Abbott: it was originally 30, not 40 townhomes?
  - ▶ **Brendie: It was always intended to be 40 units, the first letter unfortunately went out with a typo. We discovered the typo at the first neighborhood meeting when a neighbor brought it up.**
7. Rose's husband, David: what are you planning to do with the pump house?
  - ▶ **Brendie: it will be removed, and this project will connect to public utilities**
8. Rose: when is the public hearing?
  - ▶ **Brendie: we have submitted our application, we have received comments and we will resubmit the application on Friday, once we have addressed comments we will move to public hearings, We submitted last month in May, August 8th and 23rd will be the earliest we can go. It's always possible we could get delayed. You will get a letter about 2 weeks prior to the hearing from the Town of Apex and you can also sign up on the Town's website for alerts on public hearings.**



9. Rose's husband, David: do you have any info on active construction?

- ▶ **Brendie: Infrastructure, and road improvements will start first, once complete and inspected, then it will go into vertical construction of the homes. The road work could be as soon as next summer.**
- ▶ **Ed: Home construction may end in 2025.**

10. David Abbott: Is that a 3-lane section for N Salem?

- ▶ **Ed: yes, the town has amended the Transportation plan in this area to a 3-lane section.**

11. Rose: Baker is the builder?

- ▶ **Brendie: yes, Baker is the developer and builder.**

Sincerely,

WithersRavenel



Brendie Vega, AICP, CNU-A  
Director of Planning

# 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, Edward Tang, do hereby declare as follows:  
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Virtual via WebEx (location/address)  
on June 8, 2022 (date) from 5:00 PM EST (start time) to 7:00 PM EST (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.

8/1/2022

Date

By: Edward Tang

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Karen Hancock, a Notary Public for the above State and County, on this the 1<sup>st</sup> day of August, 20 22.

SEAL



Karen Hancock  
Notary Public  
Karen Hancock  
Print Name

My Commission Expires: 5-13-2025

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# 2021 N SALEM ST

PLANNED UNIT DEVELOPMENT

Apex, North Carolina

First Submittal May 2, 2022

Revisions

June 10, 2022

July 8, 2022

October 10, 2022

Planning Board – November 11, 2022

Town Council – January 16, 2023

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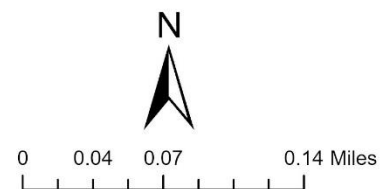
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## I. VICINITY MAP



N. Salem St. Parcel



## II.PROJECT INFORMATION

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Project	2021 N Salem St. PUD
PIN	0742891824
Preparer Information	WithersRavenel 115 MacKenan Drive Cary, NC 27511  Brendie Vega, AICP, CNU-A Ed Tang, PE P: 919.469.3340 <a href="mailto:bvega@withersravenel.com">bvega@withersravenel.com</a> <a href="mailto:etang@withersravenel.com">etang@withersravenel.com</a>
Attorney	Morningstar Law Group  Jason Barron <a href="mailto:jbarron@morningstarlawgroup.com">jbarron@morningstarlawgroup.com</a>
Current Zoning Designation	Residential Agriculture (RA)
Proposed Zoning Designation	Planned Unit Development (PUD-CZ)
Current 2045 Land Use Map Designation	Medium Density Residential
Area of Tract	6.00 acres



### III. PURPOSE STATEMENT

---

#### A. Unified Development Ordinance (UDO) Sections 2.3.4.F.1.

- ◆ The PD Plan encourages cluster and compact development to the greatest extent possible. The PD plan will provide the required right-of-way dedication to the recently adopted amendment for a 3-lane section along North Salem Street. The layout provides one point of access to N. Salem St. and a stub to the eastern parcel which remains a single-family, large lot residential home. The internal pedestrian network will connect to the sidewalk provided along N. Salem St.
- ◆ The development is compatible in character with the townhomes in the area with a density between 3-7 dwelling units per acre.
- ◆ The site is near several commercial areas which allow future residents to access many necessities while minimizing vehicle trips traveled and trip length.
- ◆ The PD Plan proposes architectural standards that are exceptional and provide high-quality design while incorporating energy saving features.

#### B. Conditional Zoning Standards - UDO Sections 2.3.3.F.1-10

- ◆ The PUD Plan is consistent with the 2045 Land Use Map, which has identified this area as Medium Density Residential which allows for single-family homes, duplexes, and townhouses. The proposed conditions maintain the density within the 3-7 dwelling units per acre range required by the zoning district.
- ◆ The proposed development is adjacent to existing single-family neighborhood to the west, Salem Woods, and subdivisions to the northeast; Salem Pointe and Ellington Place to the east. Therefore, the proposed development is consistent with the developing residential character of the area.
- ◆ The zoning district supplemental standards do not apply to the uses in this proposed development.
- ◆ Adverse impacts will be minimal since there are currently similar residences in the surrounding area that are served by the Town.
- ◆ The proposed District will meet or exceed the Town's requirements which are meant to protect the health, safety, and welfare of the Town and ETJ residents.
- ◆ There will be no substantial detriment to the adjacent properties. The addition of residential at a slightly higher density than what is existing will not be a substantial detriment to adjacent properties.
- ◆ The use will not constitute a nuisance or hazard as residential uses are inherently intended for the use, enjoyment, and safety of residents in their homes.
- ◆ The proposed Conditional Zoning district use will meet or exceed the applicable provisions of the Ordinance except where noted in this document and as permitted by the Conditional Zoning process.

## IV. PERMITTED USES

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

- ◆ Townhouse
- ◆ Accessory apartment
- ◆ Utility, Minor
- ◆ Park, Active
- ◆ Park, Passive

## V. PROPOSED CONDITIONS

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1. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.
2. The development shall provide an amenity pad and lighting consistent with the Town of Apex standards to accommodate a future bus stop and shelter along the North Salem Street frontage. The location of the bus stop along the project's frontage is subject to review and approval by the Town of Apex and NCDOT. Additional right-of-way dedication required to accommodate the bus stop will be determined at time of subdivision plan. If additional right-of-way is required, it may encroach into the required buffer and shall not impact the site's calculation of RCA.
3. The project shall use pervious pavement where practicable in shared parking areas when parking maximums are exceeded.
4. A minimum of 2 signs shall be installed at the boundary of a wooded or natural condition resource conservation area (RCA) indicating that the area around the sign is RCA and is not to be disturbed.
5. Prior to platting the 10th lot in the neighborhood, the Developer will extend a 5' sidewalk approximately 250 feet along the north side of N. Salem St (2161 N Salem St) to the western limits of existing sidewalk at the Salem Pointe Subdivision. Developer will attempt to obtain the required right-of-way and/or easements for construction of this sidewalk from the property owners of 2161 N Salem St. If the required right-of-way and/or easements cannot be obtained by that time, a Fee-in-Lieu in the amount of 125% of the estimated cost of construction plus fair market value of the property to be acquired, shall be assessed. Any performance guarantee provided for this section of sidewalk shall be released upon acceptance of said fee-in-lieu by the Town.
6. The exterior lighting for all non-residential buildings, parking lots, and amenity areas shall be LED fixtures.
7. Consistent with International Dark Sky Standards, fixtures for non-residential buildings will be full cutoff LED fixtures that have a maximum color temperature of 3000K.

8. A minimum 4kW solar PV system shall be installed on at least four (4) homes within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The lots on which these homes are located shall be identified on Master Subdivision Final Plat, which may be amended from time to time.
9. Existing deciduous trees greater than 18" in diameter (DBH), as identified in the tree survey, that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual.
10. Historic Structures. In lieu of the requirements of Section 2.3.6.C.2.b, the following shall apply to any historic structures located on the property:
  - a. The existing home that is located on the property is not required to be saved. Instead, a payment-in-lieu in the amount of \$100,000 shall be made to the Town to further historic preservation of other historic structures in the Town including, without limitation, the Tunstall House;
  - b. The tobacco barn and washhouse that have been identified as contributing structures shall be preserved in accordance with the requirements of Section 2.3.6.C.2.b; and
  - c. The stone face on the portico of the existing home shall be saved by the developer and adaptively reused on the property, either to be included as part of the subdivision signage otherwise.



## VI. DESIGN CONTROLS

---

### A. Intensity and Density

Maximum Density	6.7 dwelling units per acre		
Maximum Dwelling Units	40		
Maximum Building Height	42 ft; 2 stories maximum		
Setbacks, Townhouses	Front: 19 ft from garage to lot line and 20ft from garage to back of sidewalk	Side: 5 ft Corner Side: 10 ft Building to Building: 10 ft	Rear: 10 ft
Minimum Lot Width	18 ft		
Maximum Built Upon Area Permitted	70%		
Maximum Built Upon Area Proposed	Up to 70%		

### B. Perimeter Buffers

North	20 ft Type B
South (N. Salem St.)	30 ft Undisturbed Type B* 50 ft Disturbed Type B *
East	20 ft Type B
West	20 ft Type B

\*An encroachment into the buffer may be required for a Town of Apex bus stop. If an encroachment is required, the encroachment into the buffer shall continue to be counted as buffer and RCA for purposes of meeting the UDO and Conditional Zoning.

## VII. ARCHITECTURAL CONTROLS

---

### Townhouses

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
3. Garage doors must have windows, decorative details, or carriage-style adornments on them.
4. Building facades shall have horizontal relief achieved by the use of recesses and projections.
5. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
6. The visible side of a townhome on a corner lot facing the public street shall contain a decorative element such as, but not limited to, the following elements:
  - Windows
  - Trim around the windows
  - Decorative air vents on gable
  - Decorative gable

## VIII. SIGNAGE

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All signage in the N. Salem St. PUD will comply with the requirements in Section 8.7 of the Town of Apex UDO.

## IX. PARKING AND LOADING

---

The parking requirements of the Town of Apex UDO Section 8.3 will be met.

## X. ENVIRONMENTAL ADVISORY BOARD RECOMMENDATIONS

---

The 2021 N. Salem St. PUD was heard at the EAB on April 21, 2022. The applicant has agreed to the following conditions:

### **Water Quality**

The project shall install one (1) sign to reduce pet waste per SCM, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.

The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.

The project shall use pervious pavement where practicable in shared parking areas when parking maximums are exceeded.

### **Planting and Landscaping**

The project shall ensure that at least 75% of the landscaping shall be native species. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.

The project shall plant warm season grasses in order to minimize the need for irrigation and chemical use.

A minimum of 4 native hardwood tree species shall be used for the landscaping on site.

A minimum of 2 signs shall be installed at the boundary of a wooded or natural condition resource conservation area (RCA) indicating that the area around the sign is RCA and is not to be disturbed.

### **Waste Reduction**

The project shall install at least one (1) pet waste station per SCM, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways or side paths.

### **Clean Energy**

All homes shall be pre-configured with conduit for a solar energy system.

## **XI. NATURAL RESOURCE AND ENVIRONMENTAL DATA**

---

### **A. Watershed**

The property in the PD Plan is located in the Primary Overlay District and the Williams Creek Basin (Neuse River Basin).

### **B. FEMA Floodplain**

No regulatory FEMA mapped floodplain exists on site.

### **C. Resource Conservation Area**

The site is subject to the Resource Conservation Area requirements outlined in the Town of Apex UDO in Section 8.1. A minimum of 20% of the overall site area will be set aside to satisfy the requirements for the resource conservation area (RCA) upon subdivision plan submittal.

## D. Cultural Resources

According to the North Carolina Historic Preservation Office's records, the subject site does contain historic structures. The applicant met with Capital Area Preservation (CAP) staff on site to assess the structures on the property. Several historic structures were found, including a 1930's Tudor style home, barns, and sheds. The Tudor home has been vandalized and appears to have significant structural damage.

## XII. STORMWATER MANAGEMENT

---

The proposed development will meet the standard requirements set forth in the UDO by the Town of Apex.

## XIII. PUBLIC FACILITIES REQUIREMENTS

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### A. Sanitary Sewer Service

Sewer is available at an outfall at the tributary of the Williams Creek outfall that runs through the Town of Apex ROW on N. Salem St. The nearest pump station is located approximately 0.5 miles away at Apex Community Park.

A capacity study shall be provided during Construction Drawing submittal.

### B. Water Service

Extension of water shall be provided to the proposed development with access to water 12" water line on N. Salem St.

### C. Gas and Electric Service

Electric services will be extended to the site. If natural gas is available, it will be extended to the site.

### D. Roadways

The subdivision will have an internal public roadway network. The transportation system shall be consistent with the Town of Apex Transportation Plan and the Town of Apex Standard Specifications and Standard Details.

Development frontage improvements along North Salem Street shall be constructed based on a minimum 41' back-to-back curb and gutter 3-lane thoroughfare on minimum 80' right-of-way (40' from roadway center line) with 5' sidewalk. A maximum of one (1) access point shall be proposed on North Salem Street, to be located a minimum of 500 feet east of Greenlea Drive, subject to Apex and NCDOT review and approval.



A center left turn lane shall be extended along the property frontage between Greenlea Drive and the Economy Exterminators Driveway and provide a left turn lane for access to the development, subject to Apex and NCDOT review and approval.

### E. Transit

The proposed site exists along, though not within, the Transit Oriented Development Context Area as outlined in the Advance Apex 2045 Transportation Plan. Additionally, the proposed site is along the future Apex-Cary Express (ACX) bus and commuter rail lines. The nearest transit stop for the local GoApex Route 1 is proposed to be located at the intersection of N Salem St. and Apex Peakway.

A bus stop, subject to review and approval by the Town of Apex and NCDOT, will be located along the frontage of the PUD to accommodate a future stop for the ACX.

### F. Pedestrian Facilities

A minimum 5' sidewalk shall be provided along the frontage of N Salem St., in accordance with the Transportation Plan & UDO.

Sidewalks shall be provided on both sides of all internal streets, including cul-de-sac(s).

### G. Parks and Recreation Dedication

A fee-in-lieu of dedication will be provided per UDO Section 14.1.2 Exemptions.

## XIV. PHASING

---

The site is anticipated to be completed in one phase.

## XV. AFFORDABLE HOUSING

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Of the forty (40) permitted townhouse dwellings, at least one (1) residential restricted median-income affordable housing townhouse ownership units (Affordable Housing Units) shall be constructed on-site and sold at a mutually agreeable maximum affordable housing median-income ownership initial sales price (includes unit price and lot price) that is calculated based upon the one-hundred percent (100%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI) as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Housing Unit shall be occupied by low or median-income households earning no more than one-hundred percent (100%) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by HUD. A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of ten (10) years shall be recorded against each Affordable Housing Unit concurrently at the close of escrow upon the sale of each Affordable Housing Unit to memorialize the affordable housing terms and conditions. The Affordable Housing Unit lot shall be identified on the Master Subdivision Final Plat, which may

be amended from time to time. A restrictive covenant (i.e. affordable housing agreement) between the Town and Applicant shall be recorded against the Affordable Housing Unit lot prior to the issuance of a building permit for such lots to memorialize the affordable housing terms and conditions of the approved zoning condition. Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer. Developer will be responsible for performing marketing, applicant screening and selection process and management of the Affordable Housing Units during the affordability period with oversight and support provided by Town staff.

## XVI. CONSISTENCY WITH ADVANCE APEX 2045

---

The proposed development is consistent with the Advance Apex 2045 Plan and Future Land Use Map.

The Apex 2045 Future Land Use Map identifies the subject parcels as Medium Density Residential. Medium Density Residential lands are characterized by single-family homes, duplexes, quadplexes, and townhomes with densities no less than three (3) and no more than seven (7) dwelling units per acre. Medium Density Residential provides a transition from the more urbanized areas of Apex to low-density neighborhoods.

The proposed density of 6.7 dwelling units per acre meet the Medium Density Residential standards. The proposed townhome use also meets the Medium Density Residential standards. Lastly, if established, the proposed development will soften the land use transition between large rural lands and residential neighborhoods and commercial areas.

## XVII. CONSISTENCY WITH THE UDO

---

The proposed development is consistent with all applicable requirements of the Town of Apex UDO.

## XVIII. CONSISTENCY WITH THOROUGHFARE AND COLLECTOR STREET PLAN MAP

---

The proposed development will be consistent with the Thoroughfare and Collector Street Plan.

## XIX. CONSISTENCY WITH THE PARKS & RECREATION MASTER PLAN

---

The proposed development is in the extraterritorial jurisdiction and is not located within any future Parks & Recreation trails or projects.

## XX. CONSISTENCY WITH THE BICYCLE AND PEDESTRIAN SYSTEM PLAN

---

The proposed development will comply with the BPS Plan.

PLANNED UNIT DEVELOPMENT

# 2021 N. SALEM STREET

TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

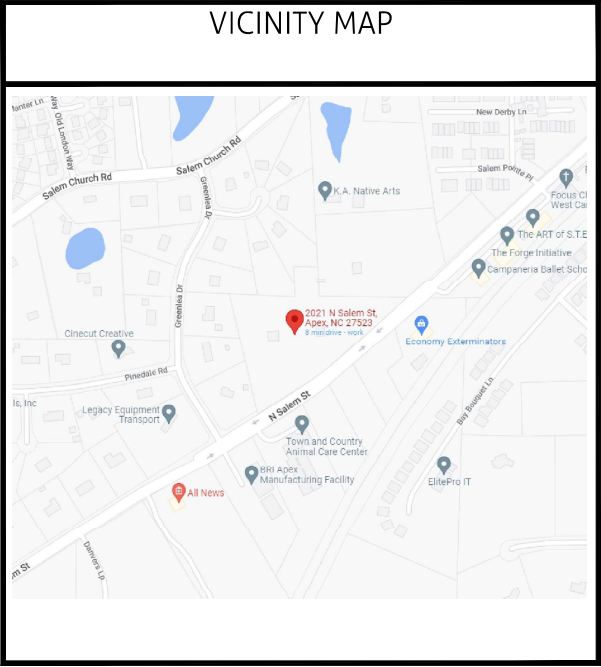
1ST SUBMITTAL: MAY 2, 2022  
2ND SUBMITTAL: JUNE 10, 2022  
3RD SUBMITTAL: JULY 8, 2022  
PLANNING BOARD SUBMITTAL: JULY 25, 2022

SITE DATA							
LAND OWNERS:		SUSAN JEWETT AND WILLIAM C. MANN 200 SINGLETON ST RALEIGH, NC 27606					
2045 LAND USE PLAN DESIGNATION		CURRENT	MEDIUM DENSITY RESIDENTIAL				
		PROPOSED	NO CHANGE				
SITE ZONING		CURRENT	RESIDENTIAL AGRICULTURAL (RA)				
		PROPOSED	PUD-CZ				
AREA OF TRACTS IN PROPOSED PUD		0742-88-1824	6.04 AC.				
REQUESTED SEWER CAPACITY		300 GPD PER DWELLING UNIT X 40 UNITS = 12,000 GPD					
PARKING REQUIREMENTS		TOWNHOMES: 2 SPACES PER UNIT PLUS 0.25 FOR GUEST PARKING					
PARKING PROVIDED		TOWNHOMES: 2 SPACES PER UNIT X 40 UNITS = 80 SPACES TOWNHOMES GUEST PARKING: 0.25 FOR GUEST PARKING X 40 UNITS = 10 SPACES TOTAL = 90 SPACES					
RESIDENTIAL DENSITY		MAXIMUM			6.7 DU/ACRE		
PROPOSED UNITS		MAXIMUM			40 UNITS		
BUILDING HEIGHT		MAXIMUM			42 FT - 2.5 STORY		
TOWNHOUSE SETBACKS		FRONT	20 FT**	REAR	10 FT	SIDE	5 FT
		CORNER SIDE		10 FT	10 FT BUILDING TO BUILDING		
WATERSHED		PROPERTY LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.					
REQUIRED RCA		20% PER UDO SECTION 8.1.2.C.4					
MAX. BUILT UPON AREA		70% IMPERVIOUS					
HISTORIC STRUCTURES		ACCORDING TO THE NORTH CAROLINA HISTORIC PRESERVATION OFFICE'S RECORDS, THE SUBJECT SITE DOES CONTAIN HISTORIC STRUCTURES.					
COMMUNITY AMENITIES		PERMANENT FEATURES MAY INCLUDE, BUT NOT LIMITED TO: FIRE PIT WITH SEATING, BENCHES ALONG PEDESTRIAN PATHWAYS, LAWN GAME SPACES, PEDESTRIAN PLAZAS WITH PLANTERS. COMMUNITY AMENITIES SHALL MEET THE REQUIREMENTS OF UDO SECTION 8.4					
SITE BUFFERS		NORTH		20' TYPE B BUFFER			
		WEST		20' TYPE B BUFFER			
		SOUTH (N. SALEM ST)		UNITS ORIENTED AWAY FROM THE STREET. 30' TYPE B BUFFER			
**19' FROM GARAGE TO LOT LINE AND 20' FROM GARAGE TO BACK OF SIDEWALK							

NOTE: THE PARCEL AT 2021 N. SALEM STREET DOES NOT ABUT AN EXISTING OR PLANNED PARK OR GREENWAY. PER UDO SECTION 14.1.2, THE PROPOSED SUBDIVISION MEETS THE EXEMPTION FOR SUBDIVISIONS CONTAINING 45 SINGLE FAMILY ATTACHED UNITS OR LESS AND ONLY THE PAYMENT OF FEES-INVOLVED SHALL FOLLOW THE PUBLISHED TOWN OF APEX FEE SCHEDULE. THE RATE OF THE FEE IS SET AT THE TIME OF TOWN COUNCIL APPROVAL OF THE REZONING, IS BASED ON A MAXIMUM OF 40 ATTACHED UNITS AND RUNS WITH THE LIFE OF THE PROJECT. IF APPROVED IN 2022, THE RATE WOULD BE \$2,528.25 FOR SINGLE FAMILY ATTACHED UNITS.




INDEX OF SHEETS	
0	COVER
1	EXISTING CONDITIONS
2	CONCEPTUAL PUD PLAN
3	CONCEPTUAL UTILITY PLAN
4	CONCEPTUAL STORMWATER PLAN
5	ARCHITECTURAL ELEVATIONS



TRANSPORTATION ZONING CONDITIONS	
1.	DEVELOPMENT FRONTAGE IMPROVEMENTS ON N. SALEM STREET, SHALL BE CONSTRUCTED BASED ON A MINIMUM 41' BACK TO BACK CURB AND GUTTER 3-LANE THOROUGHFARE ON A MINIMUM 80' ROW (40' FROM ROADWAY CENTERLINE) WITH 5' SIDEWALK. A MAXIMUM OF ONE (1) ACCESS POINT SHALL BE PROPOSED ON N. SALEM STREET, TO BE LOCATED A MINIMUM OF 500 FT EAST OF GREENLEA DRIVE, SUBJECT TO APEX AND NCDOT REVIEW AND APPROVAL.
2.	A CENTER LEFT TURN LANE SHALL BE EXTENDED ALONG THE PROPERTY FRONTAGE BETWEEN GREENLEA DRIVE AND THE ECONOMY EXTERMINATORS DRIVEWAY AND PROVIDE A LEFT TURN LANE FOR ACCESS TO THE DEVELOPMENT, SUBJECT TO APEX AND NCDOT REVIEW AND APPROVAL.

PREPARED BY:

**WithersRavenel**  
Engineers | Planners | Surveyors

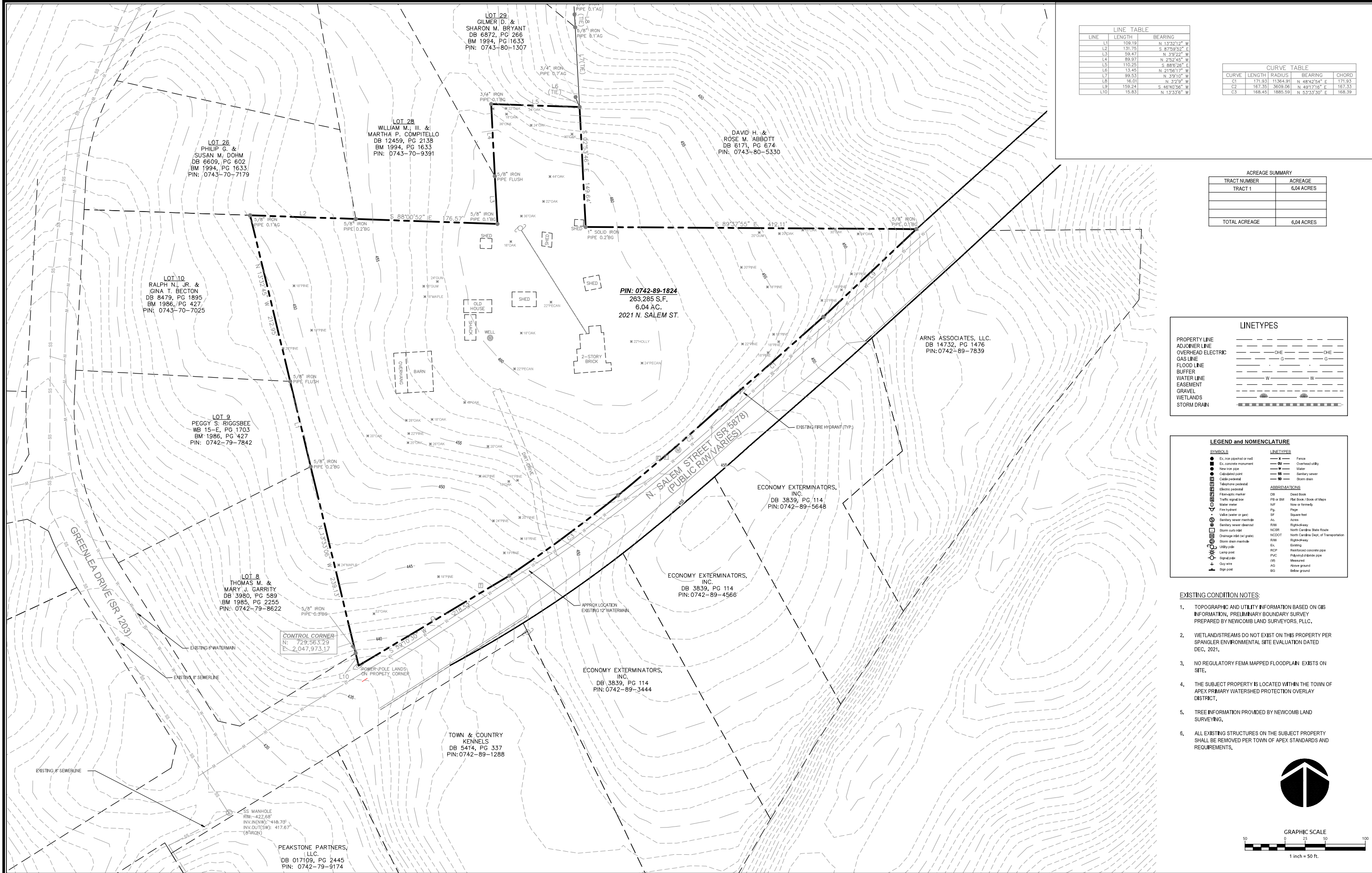
115 MacKenan Drive | Cary, NC 27511 | t: 919.469.3340 | license #: F-1479 | www.withersravenel.com

PLANNER: BRENDIE VEGA, AICP BVEGA@WITHERSRAVENEL.COM	CIVIL ENGINEER: ED TANG, PE ETANG@WITHERSRAVENEL.COM
---	---

DEVELOPER

**BAKER RESIDENTIAL OF THE CAROLINAS**  
7001 WESTON PKWY, SUITE 150  
CARY, NC 27513  
ATTN: MARK BOWLES





LINE TABLE		
LINE	LENGTH	BEARING
L1	109.19	N 13°32'12" W
L2	131.75	S 87°59'52" E
L3	59.47	N 3°9'22" W
L4	89.97	N 2°32'45" W
L5	110.25	S 88°52'02" E
L6	13.45	N 21°56'17" W
L7	99.53	N 3°9'10" W
L8	16.01	N 3°2'2" W
L9	159.24	S 46°40'56" W
L10	15.83	N 13°33'6" W

CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD
C1	171.93	11364.91	171.93
C2	167.35	3609.06	167.35
C3	168.45	1885.59	168.39

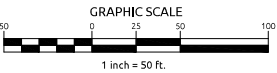
ACREAGE SUMMARY	
TRACT NUMBER	ACREAGE
TRACT 1	6.04 ACRES
TOTAL ACREAGE	6.04 ACRES

LINETYPES	
PROPERTY LINE	---
ADJONER LINE	---
OVERHEAD ELECTRIC	---OHE---
GAS LINE	---G---
FLOOD LINE	---
BUFFER	---
WATER LINE	---
EASEMENT	---
GRAVEL	---
WETLANDS	---
STORM DRAIN	---

LEGEND and NOMENCLATURE	
<b>SYMBOLS</b>	<b>LINETYPES</b>
● Ex. iron pipehead or nail	--- Fence
● Ex. concrete monument	--- Overhead utility
● New iron pipe	--- Water
● Calculated point	--- Sanitary sewer
● Cable (under)	--- Storm drain
● Telephone pedestal	
● Electric pedestal	
● Fiberoptic marker	
● Traffic signal box	
● Water meter	
● Fire hydrant	
● Valve meter or gate	
● Sanitary sewer manhole	
● Sanitary sewer cleanout	
● Storm culvert	
● Drainage inlet (val gate)	
● Storm drain manhole	
● Utility pole	
● Lamp post	
● Signal pole	
● Guy wire	
● Sign post	

EXISTING CONDITION NOTES:

1. TOPOGRAPHIC AND UTILITY INFORMATION BASED ON GIS INFORMATION, PRELIMINARY BOUNDARY SURVEY PREPARED BY NEWCOMB LAND SURVEYORS, PLLC.
2. WETLAND/STREAMS DO NOT EXIST ON THIS PROPERTY PER SPANGLER ENVIRONMENTAL SITE EVALUATION DATED DEC. 2021.
3. NO REGULATORY FEMA MAPPED FLOODPLAIN EXISTS ON SITE.
4. THE SUBJECT PROPERTY IS LOCATED WITHIN THE TOWN OF APEX PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
5. TREE INFORMATION PROVIDED BY NEWCOMB LAND SURVEYING.
6. ALL EXISTING STRUCTURES ON THE SUBJECT PROPERTY SHALL BE REMOVED PER TOWN OF APEX STANDARDS AND REQUIREMENTS.



No.	Revision	Date	By

Designer	WR	Scale	AS NOTED
Drawn By	WR	Date	04/20/2022
Checked By	ET	Job No.	02211366.0

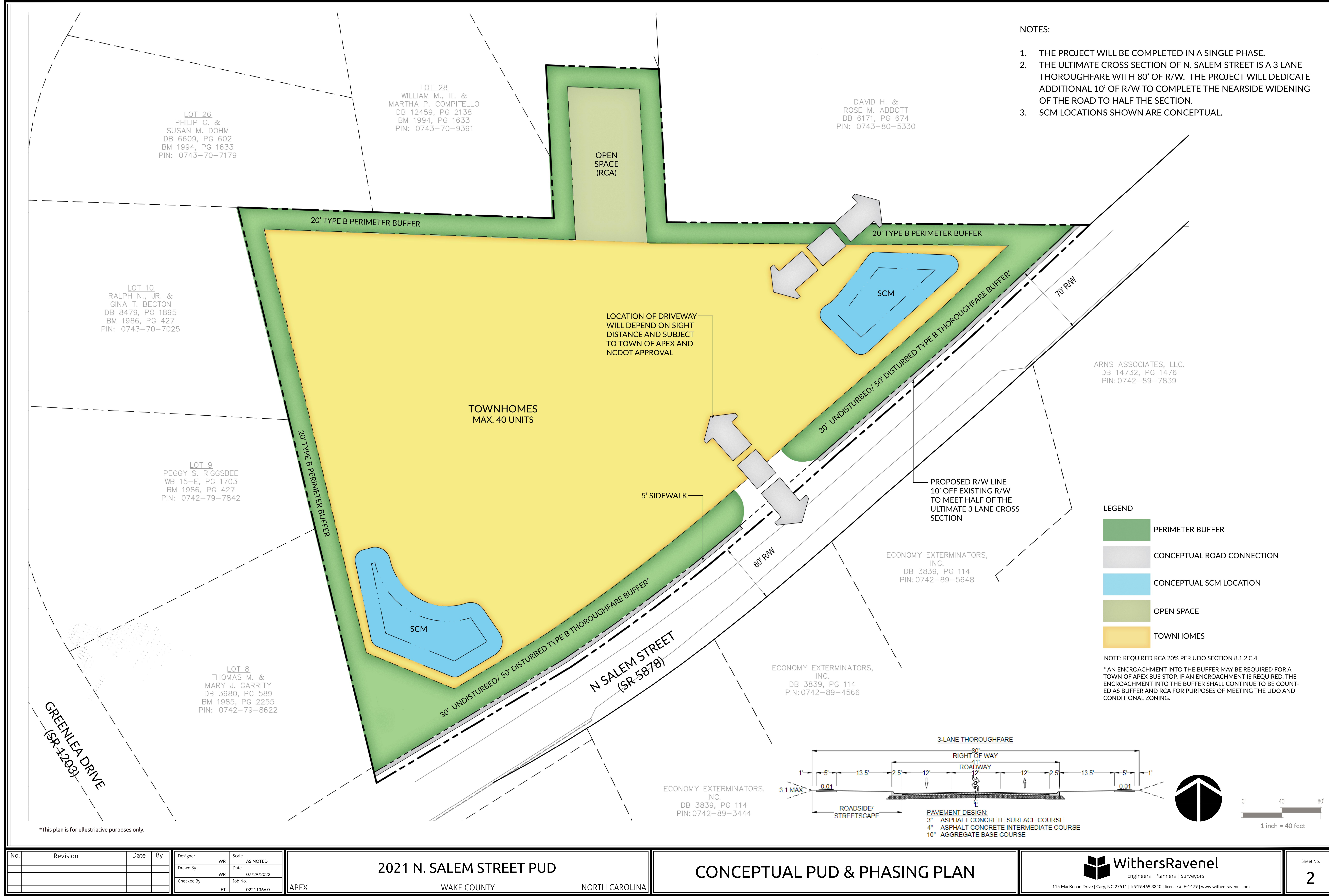
2021 N. SALEM STREET PUD	APEX	WAKE COUNTY	NORTH CAROLINA
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EXISTING CONDITIONS

	WithersRavenel
Engineers   Planners   Surveyors	
115 MacKenan Drive   Cary, NC 27511   t: 919.469.3340   license #: F-1479   www.withersravenel.com	



- NOTES:
1. THE PROJECT WILL BE COMPLETED IN A SINGLE PHASE.
  2. THE ULTIMATE CROSS SECTION OF N. SALEM STREET IS A 3 LANE THOROUGHFARE WITH 80' OF R/W. THE PROJECT WILL DEDICATE ADDITIONAL 10' OF R/W TO COMPLETE THE NEAR SIDE WIDENING OF THE ROAD TO HALF THE SECTION.
  3. SCM LOCATIONS SHOWN ARE CONCEPTUAL.



\*This plan is for illustrative purposes only.

No.	Revision	Date	By	Designer	Scale
				WR	AS NOTED
				WR	07/29/2022
				ET	02211366.0

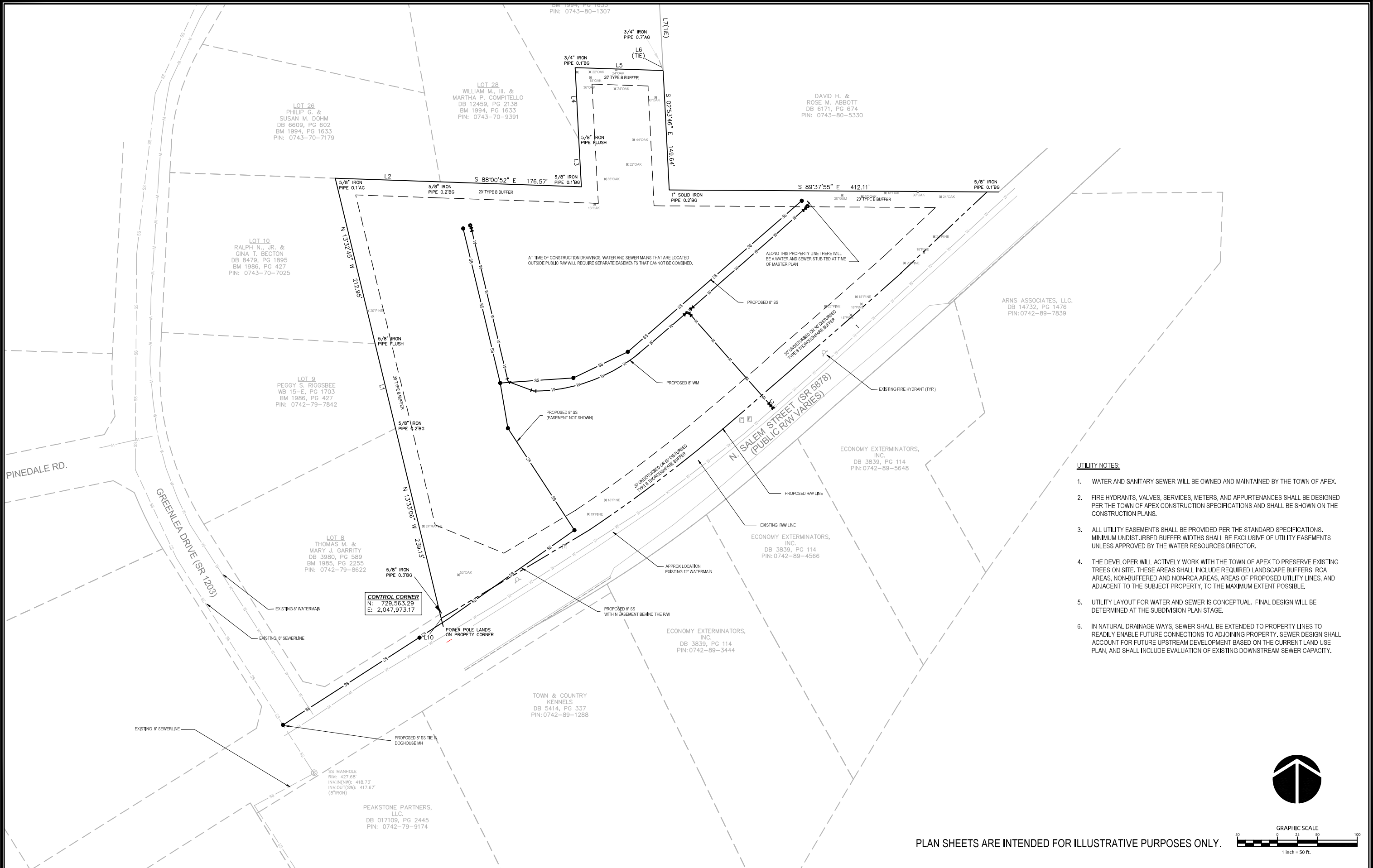
2021 N. SALEM STREET PUD	WAKE COUNTY	NORTH CAROLINA
APEX		

CONCEPTUAL PUD & PHASING PLAN
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 <b>WithersRavenel</b> Engineers   Planners   Surveyors
115 MacKenan Drive   Cary, NC 27511   t: 919.469.3340   license #: F-1479   www.withersravenel.com

Sheet No.
2





K:\2021\040211366\_Salem Street PUD\040211366\_Salem Street PUD.dwg, 04/20/2022 10:17 AM, T:\MKC, ED

K:\2021-2022\2021 N. SALEM STREET PUD\2021 N. SALEM STREET PUD.dwg, 11/15/2021, 11:58:58 AM, J. R. HARRIS, J. R. HARRIS



No.	Revision	Date	By

Designer	WR	Scale	AS NOTED
Drawn By	WR	Date	04/20/2022
Checked By	ET	Job No.	02211366.0

2021 N. SALEM STREET PUD

APEX WAKE COUNTY NORTH CAROLINA

CONCEPTUAL STORMWATER PLAN

**WithersRavenel**  
Engineers | Planners | Surveyors  
115 Mackenran Drive | Cary, NC 27511 | T: 919.469.3340 | License #: F-1479 | www.withersravenel.com

Sheet No.  
**4**





## PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ13 2021 N Salem St PUD

Planning Board Meeting Date: November 14, 2022



### Report Requirements:

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

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

### PROJECT DESCRIPTION:

Acreage: ±6 acres

PIN(s): 0742891824

Current Zoning: Residential Agricultural (RA)

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

2045 Land Use Map: Medium Density Residential

Town Limits: ETJ

### Applicable Officially Adopted Plans:

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

☒ 2045 Land Use Map  
☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

☒ Apex Transportation Plan  
☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

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

## PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ13 2021 N Salem St PUD

Planning Board Meeting Date: November 14, 2022



### Legislative Considerations:

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

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

☒ Consistent

☐ Inconsistent

Reason: \_\_\_\_\_

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: 22CZ13 2021 N Salem St PUD

Planning Board Meeting Date: November 14, 2022



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

☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

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

☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

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

☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

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

☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

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

☒ Consistent ☐ Inconsistent Reason: \_\_\_\_\_

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## PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ13 2021 N Salem St PUD

Planning Board Meeting Date: November 14, 2022



### Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Ryan Akers

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

Conditions as presented (including 5 new conditions attached). Planning Board cautions Council that not preserving historic house at this site would set precedent for future historic properties.

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

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

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 14th day of November 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin  
Date: 2022.11.14 18:02:42  
-05'00'

Dianne Khin, Director of Planning and  
Community Development

## 2021 N Salem St PUD

### Zoning Conditions

#### **New Conditions as of November 11, 2022**

1. The project shall use pervious pavement where practicable in shared parking areas when parking maximums are exceeded.
2. A minimum of 2 signs shall be installed at the boundary of a wooded or natural condition resource conservation area (RCA) indicating that the area around the sign is RCA and is not to be disturbed.
3. The exterior lighting for all non-residential buildings, parking lots, and amenity areas shall be LED fixtures.
4. Consistent with International Dark Sky Standards, fixtures for non-residential buildings will be full cutoff LED fixtures that have a maximum color temperature of 3000K.
5. A minimum 4kW solar PV system shall be installed on at least four (4) homes within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The lots on which these homes are located shall be identified on Master Subdivision Final Plat, which may be amended from time to time.





## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ13 2021 N SALEM ST PUD

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

**Applicant/Authorized Agent:** Brendie Vega, WithersRavenel

**Property Address:** 2021 N Salem Street

**Acreage:** ±6 acres

**Property Identification Number (PIN):** 0742891824

**2045 Land Use Map Designation:** Medium Density Residential

**Existing Zoning of Property:** Residential Agricultural (RA)

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

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

### **Planning Board Public Hearing Date and Time: August 8, 2022 4:30 PM**

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

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

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

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

### **Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](https://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39392>.

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





## TOWN OF APEX

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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13  
2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

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

**Solicitante/Agente autorizado:** Brendie Vega, WithersRavenel

**Dirección de las propiedad:** 2021 N Salem Street

**Superficie:** ±6 acres

**Número de identificación de las propiedad:** 0742891824

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

**Ordenamiento territorial existente de las propiedad:** Residential Agricultural (RA)

**Ordenamiento territorial propuesto para las propiedad:** 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: 8 de agosto de 2022 4:30 P.M.**

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

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

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

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

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



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](https://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

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

Fechas de publicación: 26 de julio - 8 de agosto de 2022



## TOWN OF APEX

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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS**  
CONDITIONAL ZONING #22CZ13  
2021 N SALEM ST PUD

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

**Applicant/Authorized Agent:** Brendie Vega, WithersRavenel

**Property Address:** 2021 N Salem Street

**Acreage:** ±6 acres

Property Identification Number (PIN): 0742891824

2045 Land Use Map Designation: Medium Density Residential

**Existing Zoning of Property:** Residential Agricultural (RA)

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

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

Planning Board Public Hearing Date and Time: August 8, 2022 4:30 PM

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

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

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/imap>. The 2045 Land Use Map may be viewed online at <https://www.apexnc.org/DocumentCenter/View/478>. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39392>.

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

Published Dates: July 26 – August 8, 2022





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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13  
2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

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

**Solicitante/Agente autorizado:** Brendie Vega, WithersRavenel

Dirección de las propiedad: 2021 N Salem Street

Superficie:  $\pm 6$  acres

Número de identificación de las propiedad: 0742891824

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

Ordenamiento territorial existente de las propiedad: Residential Agrícola (RA)

Ordenamiento territorial propuesto para las propiedad: 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:** 8 de agosto de 2022 4:30 P.M.

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

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

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

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <http://www.apexnc.org/DocumentCenter/View/39392>.

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

Fechas de publicación: 26 de julio - 8 de agosto de 2022



## TOWN OF APEX

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

### AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11  
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ13  
2021 N Salem St PUD

Project Location: 2021 N Salem Street

Applicant or Authorized Agent: Brendie Vega

Firm: WithersRavenel

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 July 26, 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 and mailing addresses of property owners and tenants within 300' of the land subject to notification.

7/26/2022  
Date

*Shianne F. Khin*  
Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Killian, a Notary Public for the above

State and County, this the 26 day of July, 202 2.



*Joshua Killian*  
Notary Public

My Commission Expires: 6/19/2027





## TOWN OF APEX

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

**CONTINUED**

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ13 2021 N SALEM ST PUD

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

**Applicant:** Brendie Vega, WithersRavenel

**Property Addresses:** 2021 N Salem Street

**Acreage:** ±6 acres

**Property Identification Number (PIN):** 0742891824

**2045 Land Use Map Designation:** Medium Density Residential

**Existing Zoning of Property:** Residential Agricultural (RA)

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

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

**Planning Board Public Hearing Date and Time:** ~~August 8, 2022~~ **September 12, 2022 4:30 PM**

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

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

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

### Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/39392>.

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





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

**CONTINUED**

## **NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**

### **ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13**

#### **2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)**

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

**Solicitante:** Brendie Vega, WithersRavenel

**Dirección de la propiedad:** 2021 N Salem Street

**Superficie:** ±6 acres

**Números de identificación de la propiedad:** 0742891824

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

**Ordenamiento territorial existente de la propiedad:** Residential Agrícola (RA)

**Ordenamiento territorial propuesto para la propiedad:** 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:** ~~8 de agosto~~ **12 de septiembre de 2022 4:30 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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

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

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario





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

**CONTINUED**  
**PUBLIC NOTIFICATION OF**  
**PUBLIC HEARINGS**  
CONDITIONAL ZONING #22CZ13  
2021 N SALEM ST PUD

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

**Applicant:** Brendie Vega, WithersRavenel  
**Property Addresses:** 2021 N Salem Street  
**Acreage:** ±6 acres  
**Property Identification Number (PIN):** 0742891824  
**2045 Land Use Map Designation:** Medium Density Residential  
**Existing Zoning of Property:** Residential Agricultural (RA)  
**Proposed Zoning of Property:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

**Planning Board Public Hearing Date and Time:** ~~August 8, 2022~~ **September 12, 2022 4:30 PM**  
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>

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

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.apexnc.org/emap>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/19192>

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

Published Dates: July 26 – ~~August 8~~ **September 12, 2022**



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

**CONTINUED**

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13**  
**2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)**

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

**Solicitante:** Brendie Vega, WithersRavenel  
**Dirección de la propiedad:** 2021 N Salem Street  
**Superficie:** ±5 acres  
**Números de identificación de la propiedad:** 0742891824  
**Designación actual en el Mapa de Uso Territorial para 2045:** Medium Density Residential  
**Ordenamiento territorial existente de la propiedad:** Residential Agricultural (RA)  
**Ordenamiento territorial propuesto para la propiedad:** 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:** ~~8 de agosto~~ **12 de septiembre de 2022 4:30 P.M.**  
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>

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

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.apexnc.org/Maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](https://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/38922>

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

Fechas de publicación: 26 de julio – ~~8 de agosto~~ **12 de septiembre de 2022**





## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ13 2021 N SALEM ST PUD

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

**Applicant:** Brendie Vega, WithersRavenel

**Property Addresses:** 2021 N Salem Street

**Acreage:** ±6 acres

**Property Identification Number (PIN):** 0742891824

**2045 Land Use Map Designation:** Medium Density Residential

**Existing Zoning of Property:** Residential Agricultural (RA)

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

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

### **Planning Board Public Hearing Date and Time: October 10, 2022 4:30 PM**

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

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

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

### **Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/39392>.

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





## TOWN OF APEX

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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13  
2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

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

**Solicitante:** Brendie Vega, WithersRavenel

**Dirección de la propiedad:** 2021 N Salem Street

**Superficie:** ±6 acres

**Números de identificación de la propiedad:** 0742891824

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

**Ordenamiento territorial existente de la propiedad:** Residential Agrícola (RA)

**Ordenamiento territorial propuesto para la propiedad:** 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:** 10 de octubre de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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

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

### Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario





# TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ13 2021 N SALEM ST PUD

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

**Applicant:** Brendie Vega, WithersRavenel  
**Property Addresses:** 2021 N Salem Street  
**Acreage:** ±6 acres  
**Property Identification Number (PIN):** 0742891824  
**2045 Land Use Map Designation:** Medium Density Residential  
**Existing Zoning of Property:** Residential Agricultural (RA)  
**Proposed Zoning of Property:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

### Planning Board Public Hearing Date and Time: October 10, 2022 4:30 PM

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

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

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/imps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <http://www.apexnc.org/DocumentCenter/View/39392>.

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







## TOWN OF APEX

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

### AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ13  
2021 N Salem St PUD

Project Location: 2021 N Salem Street

Applicant or Authorized Agent: Brendie Vega

Firm: WithersRavenel

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 September 23, 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 and mailing addresses of property owners and tenants within 300' of the land subject to notification.

10/3/2022

Date

Sharon F. Khan

Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me,

Joshua Killian

, a Notary Public for the above

State and County, this the

3

day of

October

, 202

2



Joshua Killian

Notary Public

My Commission Expires:

6 / 17 / 2027





## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ13 2021 N SALEM ST PUD

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

**Applicant/Authorized Agent:** Brendie Vega, WithersRavenel

**Property Address:** 2021 N Salem Street

**Acreage:** ±6 acres

**Property Identification Number (PIN):** 0742891824

**2045 Land Use Map Designation:** Medium Density Residential

**Existing Zoning of Property:** Residential Agricultural (RA)

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

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

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

### **Town Council Public Hearing Date and Time: October 25, 2022 6:00 PM**

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

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

### **Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39392>.

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





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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

### ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13

### 2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

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

**Solicitante/Agente autorizado:** Brendie Vega, WithersRavenel

**Dirección de las propiedad:** 2021 N Salem Street

**Superficie:** ±6 acres

**Número de identificación de las propiedad:** 0742891824

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

**Ordenamiento territorial existente de las propiedad:** Residential Agrícola (RA)

**Ordenamiento territorial propuesto para las propiedad:** 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: 25 de octubre de 2022 6:00 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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

#### Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario





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

**PUBLIC NOTIFICATION  
OF PUBLIC HEARINGS**  
CONDITIONAL ZONING #22CZ13  
2021 N SALEM ST PUD

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

**Applicant/Authorized Agent:** Brendie Vega, WithersRavenel  
**Property Address:** 2021 N Salem Street  
**Acreage:** 16 acres  
**Property Identification Number (PIN):** 0742891824  
**2045 Land Use Map Designation:** Medium Density Residential  
**Existing Zoning of Property:** Residential Agricultural (RA)  
**Proposed Zoning of Property:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

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

**Town Council Public Hearing Date and Time: October 25, 2022 6:00 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:  
<https://www.youtube.com/t/townofapexgov>

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

**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.calgisnc.gov/maps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/78397>

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



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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13  
2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

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

**Solicitante/Agente autorizado:** Brendie Vega, WithersRavenel  
**Dirección de las propiedad:** 2021 N Salem Street  
**Superficie:** 16 acres  
**Número de identificación de las propiedad:** 0742891824  
**Designación actual en el Mapa de Uso Territorial para 2045:** Medium Density Residential  
**Ordenamiento territorial existente de las propiedad:** Residential Agricultural (RA)  
**Ordenamiento territorial propuesto para las propiedad:** 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:** 25 de octubre de 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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

**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.raleighbnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](https://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39395>.

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

Fechas de publicación: 3 – 25 de octubre de 2022





## TOWN OF APEX

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

### AFFIDAVIT CERTIFYING

### Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ13  
2021 N Salem St PUD

Project Location: 2021 N Salem St

Applicant or Authorized Agent: Brendie Vega

Firm: WithersRavenel

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 October 3, 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 and mailing addresses of property owners and tenants within 300' of the land subject to notification.

10/3/2022  
Date

*Shane F. Khan*  
Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me,

Joshua Killian

, a Notary Public for the above

State and County, this the

3

day of

October

, 202

2



*Joshua Killian*  
Notary Public

My Commission Expires: 6 / 17 / 2027



## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ13 2021 N SALEM ST PUD

**This item will not be heard on October 25, 2022;  
it will be re-advertised at a later date.**

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:** Brendie Vega, WithersRavenel

**Property Address:** 2021 N Salem Street

**Acreage:** ±6 acres

**Property Identification Number (PIN):** 0742891824

**2045 Land Use Map Designation:** Medium Density Residential

**Existing Zoning of Property:** Residential Agricultural (RA)

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

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

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

**Town Council Public Hearing Date and Time:** ~~October 25, 2022~~ 6:00 PM

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

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

### Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39392>.

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





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

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

### ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13

### 2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)

**Este asunto no será presentado el 25 de octubre de 2022;  
se volverá a anunciar en otra fecha posterior.**

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

**Solicitante/Agente autorizado:** Brendie Vega, WithersRavenel

**Dirección de las propiedad:** 2021 N Salem Street

**Superficie:** ±6 acres

**Número de identificación de las propiedad:** 0742891824

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

**Ordenamiento territorial existente de las propiedad:** Residential Agrícola (RA)

**Ordenamiento territorial propuesto para las propiedad:** 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:** ~~25 de octubre de 2022~~ 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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

#### Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 3 – 25 de octubre de 2022





## TOWN OF APEX

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

**CONTINUED**

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ13

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:** Brendie Vega, WithersRavenel

**Property Addresses:** 2021 N Salem Street

**Acreage:** ±6 acres

**Property Identification Number (PIN):** 0742891824

**2045 Land Use Map Designation:** Medium Density Residential

**Existing Zoning of Property:** Residential Agricultural (RA)

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

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

**Planning Board Public Hearing Date and Time:** ~~October 10, 2022~~ **November 14, 2022 4:30 PM**

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

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

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

### Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/39392>.

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





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

**CONTINUED**

## **NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**

### **ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13**

#### **2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)**

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

**Solicitante:** Brendie Vega, WithersRavenel

**Dirección de la propiedad:** 2021 N Salem Street

**Superficie:** ±6 acres

**Números de identificación de la propiedad:** 0742891824

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

**Ordenamiento territorial existente de la propiedad:** Residential Agrícola (RA)

**Ordenamiento territorial propuesto para la propiedad:** 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:** ~~10 de octubre de 2022~~ **14 de noviembre de 2022**  
**4:30 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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

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

**Mapa de las inmediaciones:**



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario

## CONTINUED

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:** Brendie Vega, WithersRavenel

**Solicitante:** Brendle Vega, WithersKavenel  
**Dirección de la propiedad:** 2021 N Salem Street

Superficie: ±6 acres

Números de identificación de la propiedad: 0742891824

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

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

Ordenamiento territorial existente de la propiedad: Residential Agricultural (RA)  
 Ordenamiento territorial requerido para la propiedad: Planned Unit Development Conditional Zoning (PUD-C)

Lugar de la audiencia pública: Ayuntamiento de Atoyac

Cámara del Consejo, 22 piso

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

Fecha y hora de la audiencia pública de la Junta de Planificación: ~~10 de octubre de 2022~~ 14 de noviembre de 2022  
4:30 P.M.

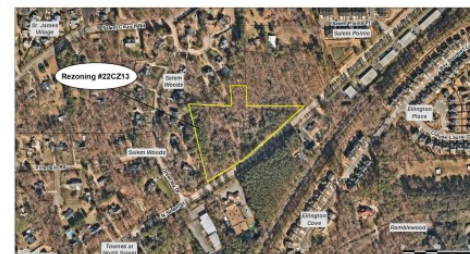
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente

enlace: <https://www.youtube.com/c/townofapexgov>

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

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.rankin.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: <https://www.apcnc.org/DocumentCenter/View/478>. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 915-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apcnc.org/DocumentCenter/View/93937>.

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

Fechas de publicación: 23 de septiembre-10 de octubre-14 de noviembre de 2022





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

**CONTINUED**  
**PUBLIC NOTIFICATION OF**  
**PUBLIC HEARINGS**  
**CONDITIONAL ZONING #22CZ13**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.1.1, 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:** Brendie Vega, WithersRavenel  
**Property Address:** 2021 N Salem Street  
**Acreage:** 16 acres  
**Property Identification Number (PIN):** 0742891824  
**2045 Land Use Map Designation:** Medium Density Residential  
**Existing Zoning of Property:** Residential Agricultural (RA)  
**Proposed Zoning of Property:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

**Planning Board Public Hearing Date and Time:** ~~October 10, 2022~~ **November 14, 2022 4:30 PM**  
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:  
<https://www.youtube.com/c/TownofApexgov>

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

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.townofapex.gov/maps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/476](http://www.apexnc.org/DocumentCenter/View/476). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/38932>

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

Published Dates: September 23 ~~October 10~~ **November 14, 2022**



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

## **NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**

### **ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13**

### **2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)**

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

**Solicitante/Agente autorizado:** Brendie Vega, WithersRavenel

**Dirección de las propiedad:** 2021 N Salem Street

**Superficie:** ±6 acres

**Número de identificación de las propiedad:** 0742891824

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

**Ordenamiento territorial existente de las propiedad:** Residential Agrícola (RA)

**Ordenamiento territorial propuesto para las propiedad:** 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: 29 de noviembre de 2022 6:00 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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

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



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario





## TOWN OF APEX

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

## PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ13 2021 N SALEM ST PUD

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

**Applicant/Authorized Agent:** Brendie Vega, WithersRavenel

**Property Address:** 2021 N Salem Street

**Acreage:** ±6 acres

**Property Identification Number (PIN):** 0742891824

**2045 Land Use Map Designation:** Medium Density Residential

**Existing Zoning of Property:** Residential Agricultural (RA)

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

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

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

### **Town Council Public Hearing Date and Time: November 29, 2022 6:00 PM**

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

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

### **Vicinity Map:**



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at [www.apexnc.org/DocumentCenter/View/478](http://www.apexnc.org/DocumentCenter/View/478). You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/39392>.

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





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:

Property Address: 2021 N Salem Street

Property Identification Number (PIN): 0742891824

**Existing Zoning of Property:** Residential Agricultural (RA)

Figure 1. The structure of the proposed model.

1000

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

[illegible]

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

Published Dates: November 7 - 29, 2022



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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**  
**ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ13**  
**2021 N SALEM ST PUD (Desarrollo de Unidad Planificada)**

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

**Solicitante/Agente autorizado:** Brendie Vega, WithersRavenel

**Dirección de las propiedades:** 2021 N Salem Street

**Superficie:** 15 acres

**Número de identificación de las propiedades:** 0742891824

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

**Ordenamiento territorial existente de las propiedades:** Residential Agricultural (RA)

**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 o continuación.**

**Fecha y hora de la audiencia pública del Consejo Municipal:** 29 de noviembre de 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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

**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.apexnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: <https://www.apexnc.org/DocumentCenter/View/472>. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39392>.

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

Fechas de publicación: 7 – 29 de noviembre de 2022



## TOWN OF APEX

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

### AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ13  
2021 N Salem St PUD

Project Location: 2021 N Salem St

Applicant or Authorized Agent: Brendie Vega

Firm: WithersRavenel

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 November 7, 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 and mailing addresses of property owners and tenants within 300' of the land subject to notification.

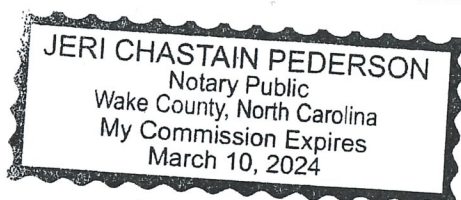
11/7/2022  
Date

*Maureen Fikhen*  
Director of Planning and Community Development

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

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

State and County, this the 7th day of November, 202 2.

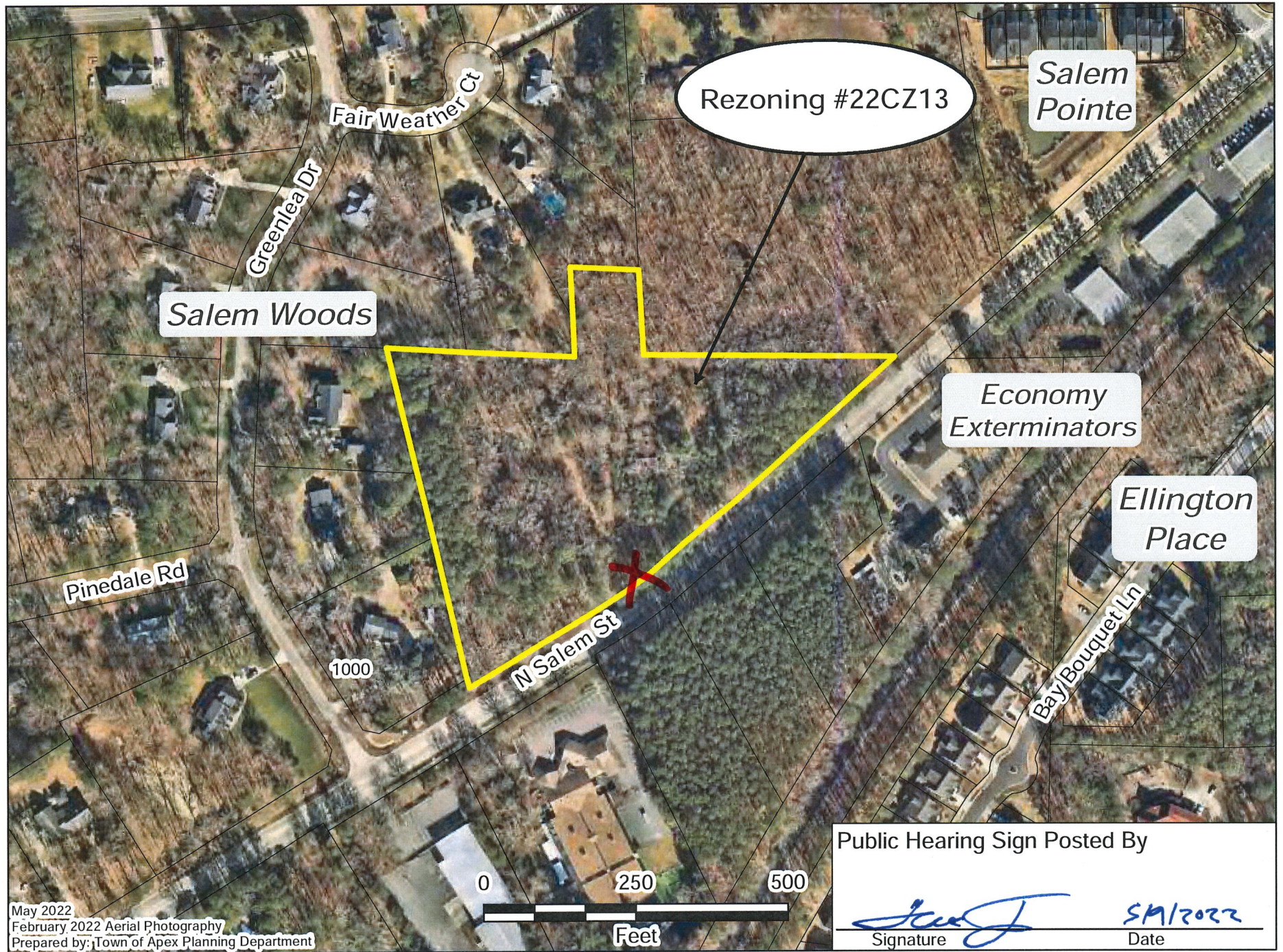


*Jeri Chastain Pederson*  
Notary Public

SEAL

My Commission Expires: 3 / 10 / 2024









**Student Assignment**  
5625 Dillard Drive  
Cary, NC, 27518  
Email: [studentassignment@wcpss.net](mailto:studentassignment@wcpss.net)

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

June 24, 2022

Dianne Khin, AICP  
Director, Department of Planning and Community Development  
Town of Apex  
[Dianne.Khin@apexnc.org](mailto:Dianne.Khin@apexnc.org)

Dear Dianne,

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

- Date of application: May 1, 2022
- Name of development: 22CZ13 2021 N. Salem St PUD
- Address of rezoning: 2021 N. Salem St.
- Total number of proposed residential units: 40
- Type(s) of residential units proposed: Townhomes

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

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

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

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

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

Sincerely,

Susan W. Pullium



## Apex Historic Resource Report

Property Name: Pauline & Lexi Bradley Farm

Location: 2021 N. Salem Street

Date of Visit: January 19, 2022

Survey Number: WA4795

PIN Number: 0742891824

Updated: August 1, 2022

### Classification:

- ☒ Local Inventory
- ☐ Study List for the National Register of Historic Places
- ☐ National Register of Historic Places (Individual/District)
- ☐ Apex Historic Landmark

### Observations:

After examination of the property, we are of the opinion that 90% of the original historic fabric remains intact for the 1941 period cottage. Nearly everything original to this main house appears to be present, but recent acts of vandalism have damaged some of those original elements and humidity has deteriorated the drywall. This Tudor-Revival style building is unique in Apex, specifically the use of textured colored bricks and a mix of ashlar stone in a grand entry and front-facing chimney with an exemplary front entry door. Wood floors, windows, a mantle, and custom built-ins all appear to be original and have survived over the years despite the recent acts of vandalism.

In a letter dated August 1, 2022, Mike Blake of Wolfe House and Building Movers stated that the building can be relocated (see attached). Based on this letter and the conclusions of CAP's previous report, the building should be relocated and reused either on site or relocated to an appropriate setting somewhere else in the jurisdiction of Apex.

There is a large collection of outbuildings on this property as well. Many are deteriorated, but there are a few buildings in somewhat good condition. Particularly, the frame wash/guest house, and a tobacco curing barn constructed of hand-hewn logs with chinking. The large cattle barn, previously believed to be in good condition, has been heavily damaged in recent months such that it is no longer a candidate for preservation. The other two buildings described above should be relocated with the house or to another appropriate setting.

### Historic Integrity:

House

- ☒ Yes
- ☐ No

Outbuildings (frame wash/guest house, tobacco curing barn)

- ☒ Yes
- ☐ No

I, Jeremy Bradham, inspected the above property, state that this report provides an accurate representation of the historic integrity of the property as of:

Date 8/1/2022

Signature 





(610) 488-1020

08/01/22

Mr. Mark Bowles  
Baker Residential  
7001 Weston Parkway Suite 150  
Cary NC, 27512

Reference - evaluation of 2021 N Salem Street, Apex NC for relocation.

This home is a overall 45 x 56 foot brick veneer home. Mr. Bowles stated there was interested parties in saving the home on site and off site.

The home has been unoccupied for a period of time; The home was open; doors, windows and basement allowing moisture in all areas of the home. All interior walls and floors contained moisture. Generally we guarantee drywall for relocation ( some minor cracks) but do the dampness the dry wall will probably need to be replaced at the new site. Would recommend experts in moisture examine the home. Probably all interior will need to be replaced. Would recommend checking for termites and powder post beetles. The owners or owners contractor will, clear all trees away from the home, remove all debris from around and underneath home , including but not limited to heat and air systems including ductwork, remove any piping hanging lower than two inches, make sure all wiring is tacked up in a proper manner; mark any underground tanks including but not limited to gas, septic, water, oil; disconnect all utilities at the street and at the home, prepare ingress or egress to the new site, grading a route 15 feet wider than the home for on site relocation, have the new footing in the ground ahead of time, top of interior grade to be flush with top of footings, new foundation plans to be reviewed before work begins; this allows Wolfe miss where new interior piers will be constructed with our steel layout. ( as much as possible) A ten percent deposit and contracts signed to be place on our work schedule.

You have two options as in move with the brick or without the brick. As stated earlier this home as well as could be seen has some foundation failure, showing brick separation. We lift from the top of the vents up or the bottom of the floor joist. We need approximately 3.5 feet of crawlspace to remove our steel. If we carry the brick veneer, your new foundation will not match the existing brick veneer- Measures will be required to either paint or some type of foundation coating to make the existing brick work with the old brick. This home is approximately 30 feet tall as is - add 5 more feet for relocation over the road. The wires will be very expensive to move to allow the home to relocate over NC roads. (many thousands) Wolfe will cut holes into the foundation wall to allow ingress of a latticework of steel beams. These beams will support the home during the relocation process. We will install several timber cribs in the the basement to support steel and to allow us to roll off of the basement. We will lift the home using the Buckingham Unified Jacking System. This system facilitates all jacks lifting in unison with equal amounts of extension. After lifting approximately six feet, we will install the Buckingham Self-Propelled Dolly System (wheel configurations). We will relocate the home to the new site and leave in level position over

STRUCTURAL LIFTING & RELOCATION

(610) 488-8011 Fax  
[www.wolfehousemovers.com](http://www.wolfehousemovers.com)  
10 Birch Lane, Bernville, PA 19506



(610) 488-1020

a footing that has been prepared by others. After sufficient foundation has been constructed by others to support the home we will remove our equipment.

Our estimate for relocation on site with the brick is \$96,400.00

Without the brick 84,500.00

To estimate off site I will need a location.

The only insurance that covers a home being relocated is for the mover to have either a cargo or riggers endorsement attached to their GL Policy, General liability or Builders risk will not cover the home. The state of NC requires a mover to have \$50,000.00 of cargo or riggers if moving on NC roads. None is required if working off road. Wolfe House Building movers carries \$1,000,000.00 per occurrence of cargo.

We appreciate the opportunity of submitting this proposal and look forward to working with you on this project,

Sincerely,

Wolfe House Building Movers By Mike Blake

## Sarah Van Every

---

**From:** Liz Loftin  
**Sent:** Monday, October 10, 2022 11:17 AM  
**To:** Amanda Bunce; Dianne Khin; Sarah Van Every  
**Subject:** FW: 2021 N Salem St

Please see Jeremy's response below.



Liz Loftin, AICP  
Senior Planner  
PO Box 250 | 73 Hunter Street | Apex, NC 27502  
919-249-3439 | [www.apexnc.org](http://www.apexnc.org)

---

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**From:** Jeremy Bradham <[jbradham@cappresinc.org](mailto:jbradham@cappresinc.org)>  
**Sent:** Monday, October 10, 2022 11:11 AM  
**To:** Liz Loftin <[Liz.Loftin@apexnc.org](mailto:Liz.Loftin@apexnc.org)>  
**Cc:** Gary Roth <[groth@cappresinc.org](mailto:groth@cappresinc.org)>  
**Subject:** Re: 2021 N Salem St

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Hey Liz,

This issue of integrity in respect to the interior is something new and has come out of nowhere. It was not brought up once in the past 7 months since our initial review and numerous subsequent discussions with the developer. Our 90% figure is based on the fact that 90% of original fabric remains. Most everything was intact, and we made it known during the initial evaluation. Moisture mitigation is a part of restoration, but that does not render the historic materials a loss. Everything we stated continues to be true, and drywall is usually something that always has to be replaced. The house mover's opinion revolves around liability for materials so that he is not responsible for materials damaged during the move that he believes are vulnerable when moving (ie. drywall).

Over the past 7 months, the developer has repeatedly expressed concerns about structural integrity with respect to moving the house. First, there was the concern of it could even be moved with potential settling and cracks in respect to the house's structural integrity. Once a letter from a house mover confirmed that it could be moved, the concerns then shifted to having to move the structure and pay for the move and find a new suitable location for the house. The move has been the only significant issue brought forward in these past 7 months, never an issue of the interior's integrity as now suggested.

In the end, this situation is very much like the Phillips House with Staley Smith and the Crossroads Dealership. Both houses have basements and the same level of integrity, and the only difference is that the Phillips House had a new lot nearby to which it could be moved.



If they were to provide a report from another qualified historic preservation expert, one that also meets the Secretary of Interior's Professional Qualification Standards, to provide a second opinion that states otherwise, then they should try to do so. If the same logic were applied to every other house saved in Apex under the Apex UDO, then all the interiors would have been gutted, but that has never been needed in many of these other houses that were neglected (Tom Olive House, Mills House, Phillips House, Upchurch-Williams House). We have seen other houses in far worse shape that were restored under a rehab agreement and easement, and all original architectural elements were repaired and nothing needed to be gutted as suggested by the house mover here.

Please let me know if you have any further questions!

Jeremy E. Bradham  
Preservation Specialist  
Capital Area Preservation, Inc.

On Oct 10, 2022, at 8:54 AM, Liz Loftin <Liz.Loftin@apexnc.org> wrote:

Good Morning,  
I just received the email below concerning the rezoning on North Salem and the Planning Board meeting is today at 4:30pm. Since this will come up as a question, are you able to elaborate and provide something in writing that we can pass along to the Board?

Link to Planning Board agenda and the item is #4:  
<https://www.apexnc.org/DocumentCenter/View/41079/10102022-PB-Agenda>



Liz Loftin, AICP  
Senior Planner  
PO Box 250 | 73 Hunter Street | Apex, NC 27502  
919-249-3439 | [www.apexnc.org](http://www.apexnc.org)

---

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---

**From:** Vega, Brendie <[bvega@withersravenel.com](mailto:bvega@withersravenel.com)>  
**Sent:** Friday, October 7, 2022 5:35 PM  
**To:** Sarah Van Every <[Sarah.VanEvery@apexnc.org](mailto:Sarah.VanEvery@apexnc.org)>  
**Cc:** Amanda Bunce <[Amanda.Bunce@apexnc.org](mailto:Amanda.Bunce@apexnc.org)>; Tang, Ed <[etang@withersravenel.com](mailto:etang@withersravenel.com)>; Cowles, June <[jcowles@withersravenel.com](mailto:jcowles@withersravenel.com)>; Mark Bowles <[mbowles@bakerresidential.com](mailto:mbowles@bakerresidential.com)>; Jason Barron <[jbarron@morningstarlawgroup.com](mailto:jbarron@morningstarlawgroup.com)>  
**Subject:** N Salem St

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Hi Sarah,

I know you all have a very full agenda on Monday. I did want to let you know that we disagree with CAPs assessment that 90% of the original historic fabric remains intact... They talk about the wood floors, mantles, etc.



They reference the August letter from Mike Blake, who stated that the interior will probably all “interior will need to be replaced.” Due to moisture damage, the things CAP listed as surviving probably have moisture and mold that has to be removed.



I think having to gut the interior due to moisture damage, plus the visible structural damage do not amount to 90% of the fabric being intact. If you could please quantify that for the Planning Board, on how they got to 90% and how you all are supporting it? We will be bringing it up on Monday.

Thank you,

**Brendie Vega, AICP, CNU-A**

Director of Planning

WithersRavenel

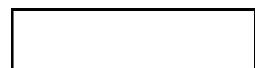


137 S Wilmington Street | Suite 200 | Raleigh, NC 27601

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Mobile: 919.656.8976

[bvega@withersravenel.com](mailto:bvega@withersravenel.com)



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