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February 3, 2025

Via Town of Apex IDT

Planning

Town of Apex

322 N. Mason Street

Apex, NC 27502

RE: West Village PUD Amendment for 2517 Kelly Road; PIN 0731434504;
West Village PUD POD 1 (the "Property")

To Whom It May Concern,

This letter is to inform you of a proposed PUD Amendment to rezone the Property from Planned Unit Development Conditional Zoning (PUD-CZ) to PUD-CZ with amended conditions to allow an approximately 40,000 square foot non-residential development (the "Project").

In 2016, the Property was rezoned to PUD-CZ as part of the overall West Village PUD development (Rezoning 15CZ33, the "2016 PUD") and in 2020, the PUD was amended (Rezoning 20CZ05) to modify buffers and other design standards (collectively, the "West Village PUD"). The West Village PUD permits up to 380 residential units and up to 500,000 square feet of non-residential uses across 163.34 acres as shown on the West Village PUD Preliminary Layout and Phasing Plan dated May 1, 2020 (the "Layout Plan"). Since 2016, several residential phases have been developed, but the non-residential phases have not developed.

The West Village PUD includes significant road improvements for residential and non-residential development. Though it specifies phasing for certain road improvements in the residential district, it lacks phasing for transportation infrastructure improvements in the commercial district and all road improvements are required prior to issuance of the first certificate of occupancy for a commercial building. Accordingly, as currently written, the PUD would require the Project - a relatively small 40,000 sf non-residential development - to construct additional through lanes, on ramps, and traffic signals that were required for 500,000 sf of non-residential uses approved in the West Village PUD.

To remedy this oversight, the developer completed an updated Traffic Impact Analysis ("TIA") which recommends road improvements based on the anticipated traffic impacts of the Project. This PUD Amendment proposes technical revisions to West Village PUD Section 13: Public Facilities, as set forth in the attached **Exhibit A**, to incorporate the updated TIA recommendations. Road improvements that were commitments of the original West Village PUD remain, but will be completed by subsequent non-residential phases.

A corresponding PUD-CZ rezoning application has been filed in the Town's development portal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew Carpenter", with a long horizontal flourish extending to the right.

Matthew Carpenter

Exhibit A
to
West Village PUD Amendment Letter
Revisions to West Village PUD

Section 13: Public Facilities

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F) (1) (f) and be designed according to sound engineering standards. Specifically, road and utility infrastructure shall be as follows:

- **General Roadway Infrastructure:**

All proposed roadway infrastructure will be consistent with the Town of Apex UDO and Transportation Plan, and the Traffic Impact Analysis approved by the Town of Apex and NCDOT. An internal road network will be provided in accordance with the Town's UDO. All road networks will promote connectivity wherever possible to adjacent neighborhoods, undeveloped property, nearby points of interest, and municipal destinations. Further, cul-de-sacs will be avoided except where environmental features make through streets unfeasible.

Roadway Phasing – Prior to time of the fifty-first certificate of occupancy associated with the residential located off of Old US HWY 1, the second point of access (southernmost portion of Street A), necessary portion of the southernmost roundabout and Street B shown shall be constructed. As a part of the non-residential development in Pod 3, the roundabout proposed on Kelly Road shall be constructed along with the portion of Street A tying back to the southernmost roundabout. Prior to time of the first certificate of occupancy associated with POD 3, as part of the development of POD 3, Street A will be complete the connection from Kelly Road and Old US HWY 1.

- **Off-Site Transportation Conditions:**

The project will also provide the following off-site transportation conditions:

All recommendations on state-maintained roadways are subject to NCDOT review and approval as part of the driveway permits and encroachment agreements. Build 2018 refers to the first plat of residential development. Build 2030 refers to the first plat of commercial development for POD 2 or POD 3 and does not include the development of POD 1, also identified as Build 2028, which is subject to separate recommendations set forth below. Please note that prior analysis and the original basis for build-out recommendations was based on a Build 2020 analysis. Internal Protected Storage Length (IPS) refers to the required minimum distance from the intersection along the proposed driveway or street before any full movement commercial driveway access or public street intersection will be allowed.

Developer shall provide right-of-way dedication along Kelly Road and Old US 1 based on a 100-foot right-of-way. Where Old US 1 abuts railroad right-of-way the developer shall be responsible for dedicating public right-of-way 70 feet from roadway centerline along the project frontage or as otherwise required to accommodate a 100-foot road right-of-way exclusive of railroad right-of-way.

Street 'A' and Street 'B' (including Kelly Road at Site Drive #4)

- Street 'A' shall be constructed as a 3-lane 38-foot curb and gutter street with 5-foot sidewalk on both sides on 62-foot public right-of-way.
- Street 'B' shall be constructed as a 2-lane 39'-foot curb and gutter street with on-street parking and 6-foot sidewalk on both sides on 53-foot public right-of-way.
- Residential driveway access shall not be permitted along Streets 'A' and 'B'.
- Prior to platting the 51st residential unit in the Residential area located adjacent to Old US 1, developer shall construct and dedicate as public Street 'A' from Site Drive #5 to the roundabout at Street 'B', roundabout serving Street 'A' at Street 'B', and Street 'B' from Site Drive #6/Pleasant Plains Road to the roundabout at Street 'A'.
- Prior to the first certificate of occupancy within POD 3, developer shall construct and dedicate as public Street 'A' from the roundabout at Street 'B' to Kelly Road at Site Drive #4 and construct a roundabout on Kelly Road at Site Drive #4. The roundabout will serve a 4-lane divided roadway to the north and 2-lane roadway to the south.
 - POD 1: Kelly Road Roundabout. Developer shall prepare a preliminary design and engineer's estimate for review and approval and dedicate right of way and construction easements for the future construction of a roundabout at the intersection of the site driveway, Kelly Road, and Street A as shown on the Town of Apex Thoroughfare and Collector Street Plan (the "Roundabout"). Prior to site plan final plat for POD 1, Developer shall pay a fee in lieu for eight percent (8%) of the estimated costs to design and construct the Roundabout.

Kelly Road at Olive Chapel Road

- Developer shall construct a 200-foot eastbound right turn lane and a 300-foot additional westbound left turn lane on Olive Chapel Road (with southbound receiving through lane on Kelly Road) for Build 2030.
- POD 1: Developer shall provide a preliminary plan and engineer's estimate for review and approval and pay a fee in lieu in the amount of 8% of the total estimated cost of the aforementioned improvements prior to site plan final plat in POD 1.

Kelly Road at Apex Barbecue Road

- Improvements have been completed by others satisfying the prior zoning requirements for a Build 2020 analysis including the following: construction of a 400-foot eastbound left turn lane, 350-foot westbound left turn lane, 350-foot northbound left turn lane, 150-foot northbound right turn lane, 350-foot southbound left turn lane, and 200-foot southbound right turn lane. No additional improvements are recommended for updated commercial build dates, Build 2028 (POD 1) and Build 2030 (PODS 2 & 3).

Kelly Road at Southwinds Run

Developer shall construct a 100-foot northbound left turn lane on Kelly Road, an additional (second) northbound through lane through the intersection to drop as a right turn at Site Drive #1, and begin an additional (second) southbound through lane immediately south of Southwinds Run for Build 2030.

Old US 1 at Kelly Road

- Developer shall construct a 100-foot westbound right turn lane on Old US 1 for Build 2018.
- Developer shall convert the intersection to right-in/right-out as well as construct an additional westbound through lane, beginning at the NC 540 Southbound off-ramp as a free-flow right turn exiting the ramp, along with a 200-foot westbound right turn lane on Old US 1 for Build 2030.

NC 540 Ramps at Old US 1

- Developer shall provide a free-flow right turn lane for the NC 540 Southbound off-ramp and additional receiving through lane continuing west to drop as a right turn at Site Drive #6 on Old US 1 for Build 2030.

Old US 1 at Pleasant Plains Road & Site Drive #6

- Developer shall construct Site Drive #6 with a through-right lane and a 200-foot left turn lane for Build 2018.
- Developer shall construct a 200-foot eastbound left turn lane and 200-foot westbound left turn lane on Old US 1 for Build 2018.
- Developer shall construct an additional westbound through lane on Old US 1 to drop as a right turn lane at Site Drive #6 for Build 2030.
- Developer shall construct an additional eastbound through lane on Old US 1 beginning 400 feet west of Site Drive #6 for Build 2030.

Kelly Road at Site Drive #1

- Developer shall construct Site Drive #1 as a right-in and right-out only providing 100 feet IPS and a 100-foot northbound right turn lane on Kelly Road for Build 2018.

- Developer shall construct an additional northbound through lane on Kelly Road to drop as a right turn lane at Site Drive #1 for Build 2030.

Kelly Road at Site Drive #2

- Developer shall construct Site Drive #2 as a right-in and right-out only providing 100 feet IPS for Build 2018.
- Developer shall construct an additional northbound through lane and an additional southbound through lane on Kelly Road at Site Drive #2 for Build 2030.

Kelly Road at Site Drive #3

- Developer shall construct Site Drive #3 with a 100-foot eastbound right turn lane and a 100-foot westbound right turn lane on the Site Drive #3 approaches adjacent to through-right lanes with 200 feet IPS for Build 2018.
- Developer shall construct 100-foot northbound and 100-foot southbound left turn lanes on Kelly Road for Build 2018.
- Developer shall construct an additional (second) southbound through lane and additional (second) northbound through lane on Kelly Road at Site Drive #3 for Build 2030.

Old US 1 at Site Drive #5

- Developer shall convert Site Drive #5 from a right-in/right-out to a signalized full-movement intersection with 200-foot dual southbound left turn lanes and a 200-foot southbound right turn lane providing 300 feet IPS providing connectivity to both the residential and commercial phases for Build 2030.
- Developer shall construct an additional (second) westbound through lane and add a 200-foot westbound right turn lane on Old US 1 for Build 2030.
- Developer shall construct a 300-foot eastbound left turn lane and an additional (second) eastbound through lane on Old US 1 dropping 1000 feet east of the intersection for Build 2030.

Construction of the preceding roadway infrastructure improvements shall not be required for the development of POD 1. Fee in lieu payments and additional right of way dedication where required for POD 1 are noted in the above sections where applicable. Development of POD 1 shall include the below roadway infrastructure improvements which shall be consistent with the Traffic Impact Analysis on file with the Town of Apex prepared by DRMP dated 1/30/2025 and the Town of Apex Transportation Plan. The road improvements shall be subject to Town of Apex and North Carolina Department of Transportation approval.

- *Kelly Road Widening.* Developer shall dedicate right of way for the length of the property's Kelly Road frontage, measured a minimum of 55 feet from the existing centerline of Kelly Road, and widen and improve Kelly Road for the length of the property's Kelly Road frontage based on an 84-foot back-to-back

curb and gutter 4-lane divided roadway with 5-foot sidewalks and 6-foot bike lanes in a 110-foot right of way.

- **Kelly Road and Site Driveway.** Developer shall construct:
 - the Site Driveway with a stop-controlled approach, one ingress lane, and one egress lane; and
 - a southbound left turn lane on Kelly Road with a minimum of 75 feet of storage.
- **Electric Charging Stations:**

Developer shall provide 2 charging stations, one within the residential and one within the non-residential for electric vehicles within the overall project. In addition to these committed stations, two additional charging stations will be installed as part of the overall project.
- **Water & Sewer Utilities:**

All **water and sanitary sewer** service will be provided by the developer and conform to the Town of Apex Public Works and Utilities Department requirements. Preliminary location and tie in points are shown on sheet C-3 and C-4 of the PUD plans. The water extension shown along Kelly Road to Old US HWY 1, alternatively, could be located through Pod – 3 Commercial and southernmost residential accomplishing the intent of the routing shown on sheet C-3 and C-4. The ultimate routing will be dictated by timing of commercial development, roadway construction internal to the site and timing commitment related to the extension. However, this will be coordinated with the Town of Apex at time of site plan and construction documents.

Developer to provide \$75,000 in escrow for use by the Westwinds community for insurance associated with community wells, for use in drilling new wells or to extend public water into the community as a primary or secondary water source. Ultimately, the well-related use of the funds will be determined by the Westwinds community. Land owners will be required to annex into the Town of Apex prior to making any connections to public water services provided by the Town.
- **Other Utilities:**

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

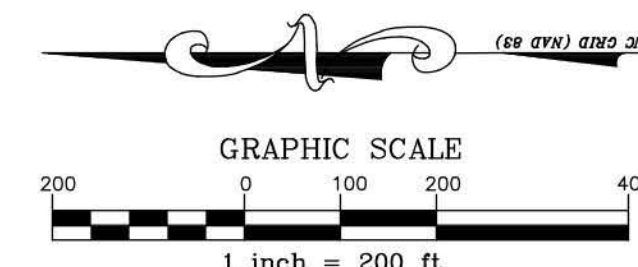
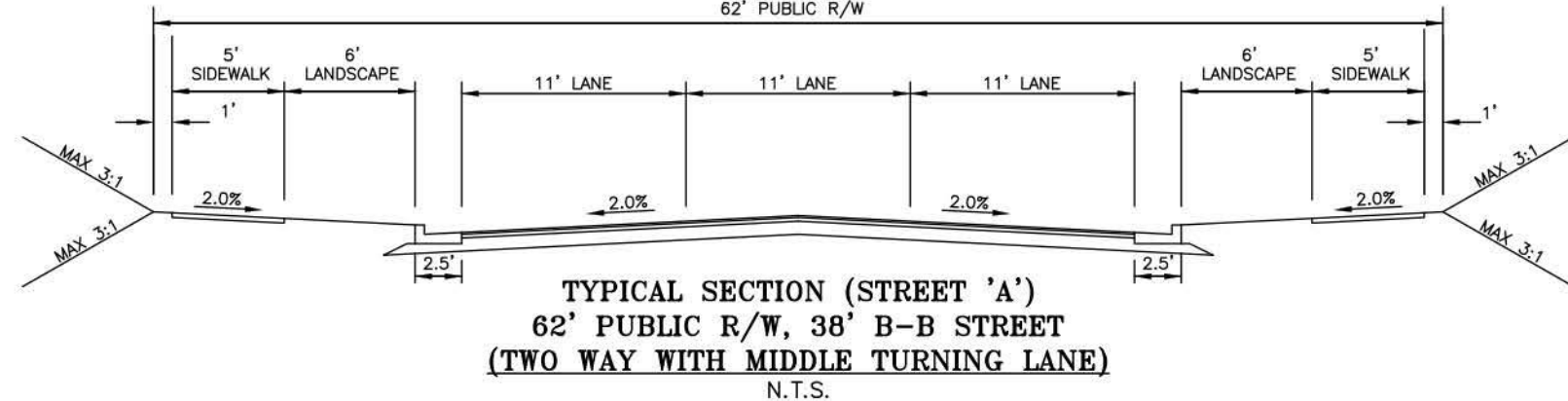
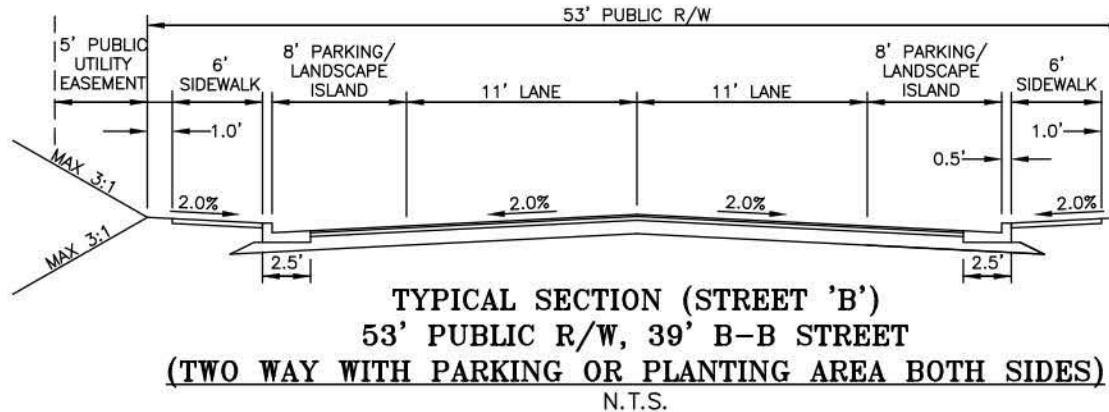
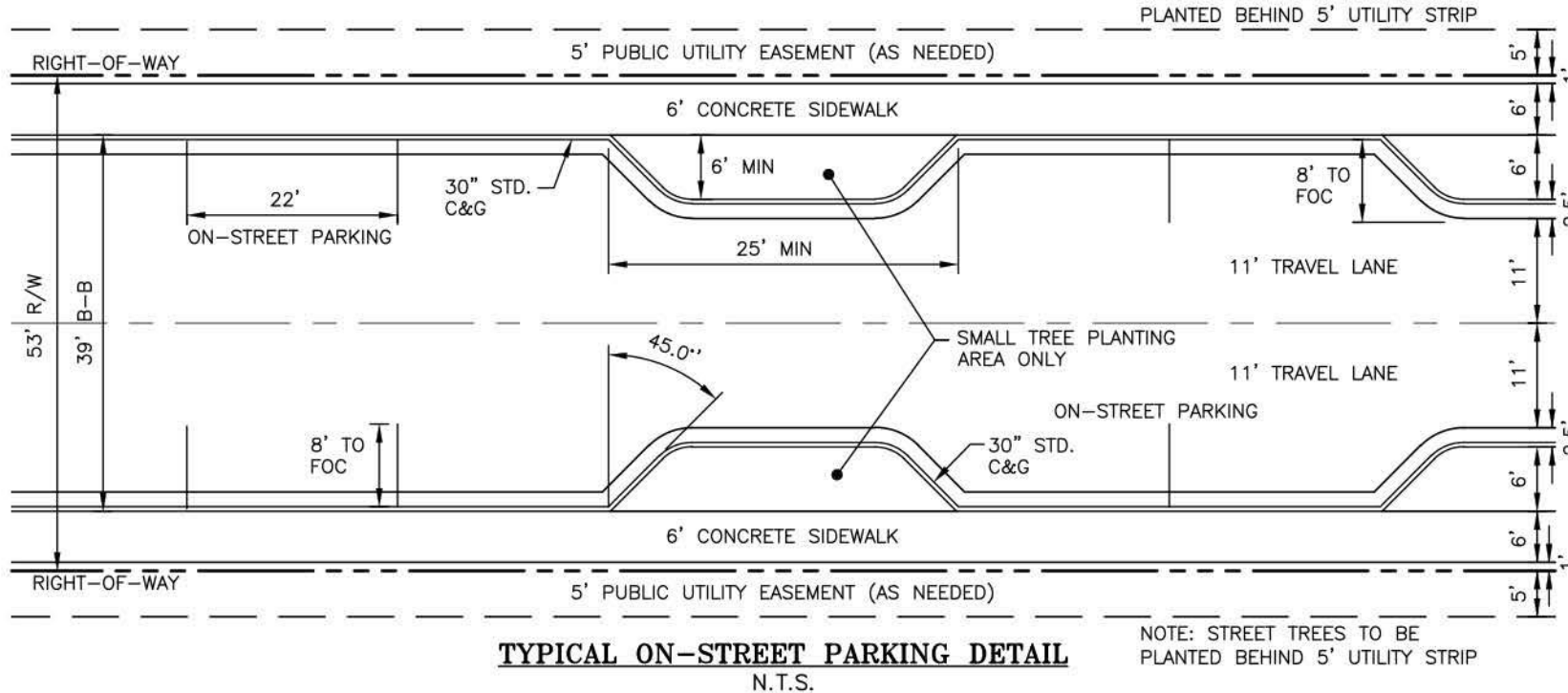
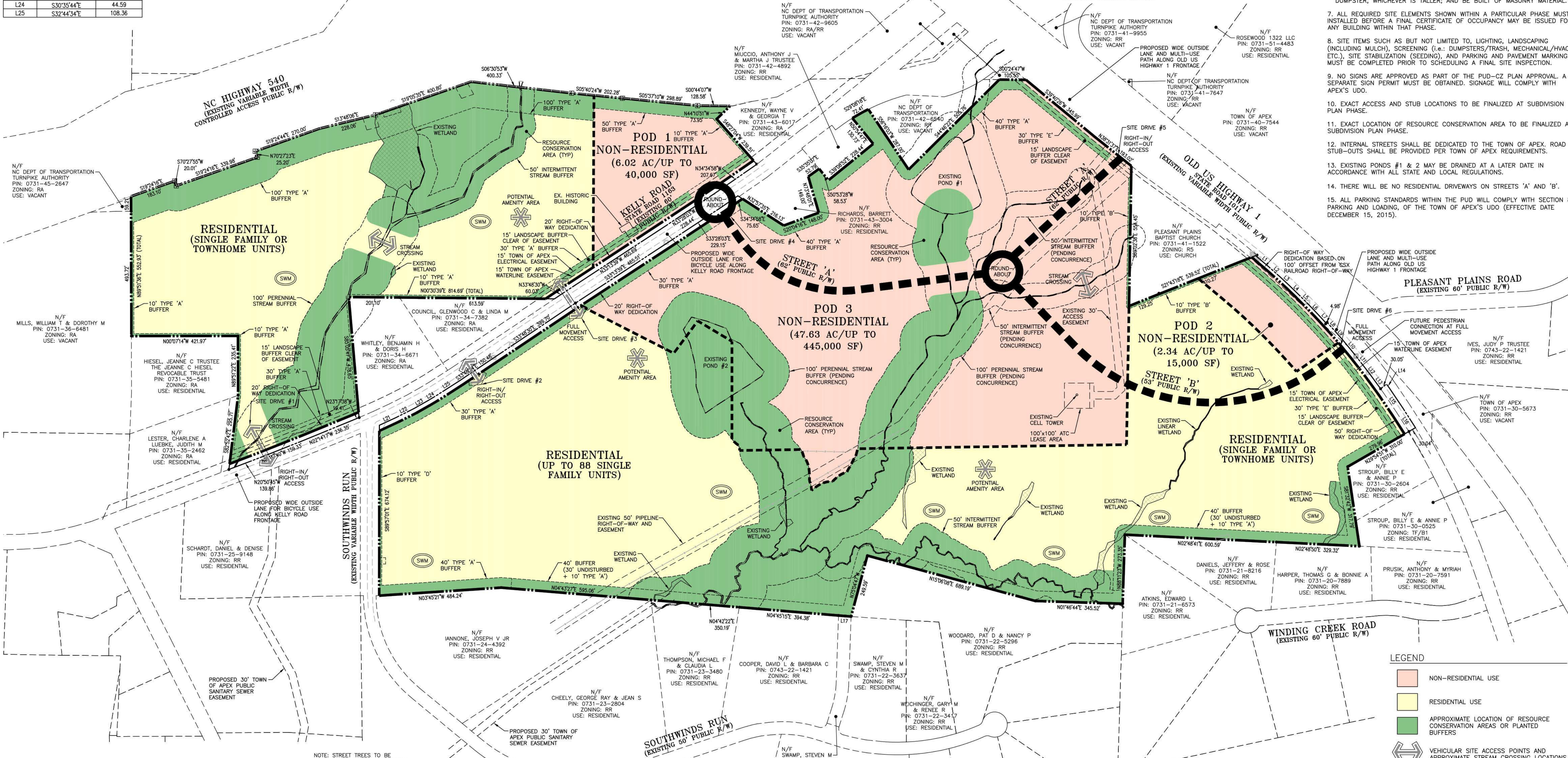
LINE	DIRECTION	DISTANCE
L1	S40°32'07"W	71.72
L2	S41°36'33"W	53.02
L3	S42°59'16"W	53.35
L4	S44°03'19"W	53.17
L5	S45°07'59"W	53.49
L6	S46°17'03"W	53.01
L7	S47°08'27"W	49.64
L8	S47°56'55"W	40.75
L9	S48°37'10"W	50.54
L10	S50°43'16"W	84.89
L11	S51°56'36"W	53.06
L12	S52°56'35"W	52.31
L13	S54°05'42"W	56.50
L14	S54°00'47"W	21.64
L15	S56°04'32"W	95.13
L16	S57°13'06"W	90.86
L17	N04°40'34"E	50.02
L18	S24°58'58"E	73.12
L19	S28°40'10"E	79.58
L20	S29°35'51"E	60.12
L21	S30°35'44"E	44.59
L22	S32°44'34"E	108.36

PHASING NOTES

1. THE PROPERTY WILL BE DEVELOPED IN UP TO 10 PHASES. THE TIMING AND AMOUNT OF PHASES WILL BE DEFINED AT THE TIME OF SITE PLAN REVIEW.
2. ACCESS POINTS ARE PRELIMINARY IN NATURE AND SUBJECT TO TOWN OF APEX AND NODOT REVIEW AT TIME OF SITE PLAN REVIEW.
3. LIMITS OF LAND DISTURBANCE WITHIN EACH PHASE TO BE FINALIZED AT SITE PLAN PHASE.
4. PUBLIC UTILITIES SHALL BE PROVIDED FOR EACH PHASE.
5. ROADWAY PHASING - PRIOR TO TIME OF THE FIFTY-FIRST PLATTED LOT ASSOCIATED WITH THE RESIDENTIAL LOCATED OFF OF OLD US HWY 1, THE SECOND POINT OF ACCESS (SOUTHERNMOST PORTION OF STREET 'A'), NECESSARY PORTION OF THE SOUTHERNMOST ROUNDABOUT AND STREET 'B' SHOWN SHALL BE CONSTRUCTED. AS A PART OF THE NON-RESIDENTIAL DEVELOPMENT IN POD 3, THE ROUNDABOUT PROPOSED ON KELLY ROAD SHALL BE CONSTRUCTED ALONG WITH THE PORTION OF STREET 'A' TYPING BACK TO THE SOUTHERNMOST ROUNDABOUT. PRIOR TO TIME OF THE FIRST CERTIFICATE OF OCCUPANCY FOR ANY COMMERCIAL WITHIN POD 3, STREET 'A' WILL BE FULLY CONSTRUCTED, CONNECTING KELLY ROAD TO OLD US HWY 1.

SITE NOTES

1. REFER TO PUD DOCUMENT FOR A COMPLETE LIST OF ALLOWABLE USES FOR EACH TRACT OR DEVELOPMENT AREA.
2. NO SITE DEVELOPMENT ACTIVITY INCLUDING BUT NOT LIMITED TO TESTING, CLEARING, INSTALLATION OF S&E MEASURES, OR GRADING, SHALL OCCUR UNTIL REQUIRED PROTECTION FENCING HAS BEEN INSTALLED AND INSPECTED. A PROTECTION FENCING INSTALLATION PERMIT MAY BE OBTAINED AT THE PLANNING DEPARTMENT OR BY CALLING 919-246-3426.
3. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS, BUT NOT LIMITED TO, HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER. SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO, COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
4. ALL GRADING AND SUPPORT STRUCTURES ASSOCIATED WITH ANY RETAINING STRUCTURE SHALL NOT ENCRoACH INTO ANY REQUIRED BUFFER OR PROTECTED AREA (SUCH AS, BUT NOT LIMITED TO, RCA AND CRITICAL ROAD ZONES OF TREES, PUBLIC UTILITY EASEMENTS, AND RIGHTS-OF-WAY), AND SHALL BE CONTAINED ENTIRELY ON SITE.
5. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS, BUT NOT LIMITED TO, PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
6. THE SCREENING OF TRASH CONTAINERS (INCLUDING DUMPSTERS AND ROLL-OUT CARTS), OUTDOOR STORAGE, MECHANICAL AND HVAC EQUIPMENT, AND SIMILAR FACILITIES ON THE ROOF, ON THE GROUND, OR ON BUILDINGS SHALL MEET THE REQUIREMENTS FOUND IN SECTION 8.2.8 OF THE UNIFIED DEVELOPMENT ORDINANCE; SPECIFICALLY SCREENING MUST BE DONE SO THAT:
 - A. IT IS INCORPORATED INTO THE OVERALL DESIGN THEME OF THE BUILDING AND LANDSCAPE.
 - B. SCREENING MATERIALS ARE NOT DIFFERENT FROM OR INFERIOR TO THE PRINCIPAL MATERIALS OF THE BUILDING OR LANDSCAPE, AND ARE SIMILAR IN MATERIALS AND COLOR.
 - C. SCREENED ITEMS ARE OUT OF VIEW FROM ADJACENT PROPERTIES AND PUBLIC STREETS, AND A TOTALLY OPAQUE SCREEN IS ACHIEVED.
 - D. ANY GROUND-MOUNTED HVAC OR OTHER MECHANICAL OR UTILITY EQUIPMENT SIX-FOOT TALL OR HIGHER MUST BE FENCED AND LANDSCAPED.
 - E. DUMPSTER ENCLOSURES MUST MEET THE ABOVE REQUIREMENTS PLUS THEY MUST BE AT LEAST EIGHT-FOOT TALL OR THE HEIGHT OF THE DUMPSTER, WHICHEVER IS TALLER; AND BE BUILT OF MASONRY MATERIAL.
7. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
8. SITE ITEMS SUCH AS BUT NOT LIMITED TO, LIGHTING, LANDSCAPING (INCLUDING MULCH), SCREENING (I.E.: DUMPSTERS/TRASH, MECHANICAL/HVAC, ETC.), SITE STABILIZATION (SEEDING), AND PARKING AND PAVEMENT MARKING MUST BE COMPLETED PRIOR TO SCHEDULING A FINAL SITE INSPECTION.
9. NO SIGNS ARE APPROVED AS PART OF THE PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED. SIGNAGE WILL COMPLY WITH APEX'S UDO.
10. EXACT ACCESS AND STUB LOCATIONS TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
11. EXACT LOCATION OF RESOURCE CONSERVATION AREA TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
12. INTERNAL STREETS SHALL BE DEDICATED TO THE TOWN OF APEX, ROAD STUB-OUTS SHALL BE PROVIDED PER TOWN OF APEX REQUIREMENTS.
13. EXISTING PONDS #1 & 2 MAY BE DRAINED AT A LATER DATE IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS.
14. THERE WILL BE NO RESIDENTIAL DRIVEWAYS ON STREETS 'A' AND 'B'.
15. ALL PARKING STANDARDS WITHIN THE PUD WILL COMPLY WITH SECTION 8.3, PARKING AND LOADING, OF THE TOWN OF APEX'S UDO (EFFECTIVE DATE DECEMBER 15, 2015).



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REVISIONS:
2020-06-12 PER TOWN OF APEX COMMENTS
2020-06-24 PER TOWN OF APEX COMMENTS

DEVELOPER:
STANLEY MARTINHOMES
4020 WESTCHASE BOULEVARD,
SUITE 190
RALEIGH, NC 27607

WEST VILLAGE
KELLY ROAD & OLD US HIGHWAY 1
APEX NORTH CAROLINA
PRELIMINARY LAYOUT & PHASING PLAN

PROJECT NO:	ORL-15000
FILENAME:	ORL15000-S1
DESIGNED BY:	RCZ
DRAWN BY:	RLU
SCALE:	1"=200'
DATE:	05-01-2020
SHEET NO:	C-2

McAdams

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION