

To: Town of Apex Planning Department
From: Pamela Porter, TMTLA Associates
Date: May 2, 2022, Revised August 12, 2022
RE: KOBRA Tract PUD Amendment (Tract 2)

This memo is being submitted to note the changes being proposed to the previously approved KOBRA Tract PUD-CZ. Please note these changes only apply to Tract 2 (Wake County PIN 0732-19-6422) and all previously approved conditions still apply to Tract 1. This memo will reference sections from the approved KOBRA Tract PUD Text.

Cover Sheet

The following change to reflect PUD amendment for Tract 2 only.

Applicant: TMTLA Associates
5011 Southpark Drive, Ste. 200
Durham, NC 27713

2.0 Vicinity Map

The following amendment is proposed to Section 2.0 Vicinity Map:
Add a note indicating that the PUD amendment is focused on southern parcel of the KOBRA Tracts PUD-CZ.

3.0 Project Data

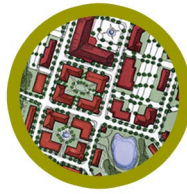
Name of Project to include "Calyx Senior Living of Apex."

Preparer of PUD amendment:
TMTLA Associates
5011 Southpark Drive, Ste. 200
Durham, NC 27713
(919) 484-8880
pam@tmtla.com

Area of Mixed-Use Property proposed as Congregate Living Facility is 5.46 acres.

Percent of Mixed-Use areas proposed as non-residential development is 0%.

Percent of Mixed-Use Areas Proposed as Congregate Living Facility: 100%



4.0 Proposed List Of Uses

The following amendment is requested in Section 4.0:
Add “Congregate Living Facility” to the list of allowable uses.

5.0 Purpose Statement PUD Standards

No amendment to Section 5.0.

6.0 Proposed Design Controls

The following amendments are requested in Section 6.0:

We are requesting the maximum building square footage for Tract 2 to be 58,000 s.f.

We are requesting the residential density for Tract 2 be 11 resident rooms per acre.

We are requesting the setbacks listed as “Non-Residential Setbacks” be applicable to our proposed use (congregate living facility) on Tract 2.

We are requesting a reduction of the landscape buffer on the east, I-540 side of the site from 100’ to 50’. While our use is residential by Town definition our use is institutional and commercial by nature. None of the residential components will fall within 100’ of I-540, so we request to utilize the 50% buffer reduction noted in Sec. 8.2.6 of the UDO that non-residential uses adjacent to a limited access highway are able to use.

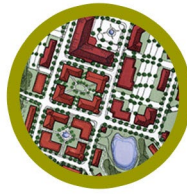
7.0 Proposed Residential Architectural Controls

We propose that these would only apply to Tract 1 (Lennar Corporation).

8.0 Proposed Non-Residential Architectural Controls

We request to amend this section to read “Proposed Congregate Living Facility Architectural Controls” and revise this list to the following items:

1. The predominant exterior building material shall be fiber cement siding.
2. The building exterior shall have more than one (1) material color.
3. No more than 20% of any building façade may consist of EIFS material.
4. EIFS or synthetic stucco shall not be used in the first 4 feet above grade.



9.0 Parking and Loading

We are requesting a 20% reduction in the required parking for a congregate living facility. Section 8.3 of the Town of Apex Unified Development Ordinance calls for 1 parking space per dwelling unit. We propose amending this to 0.8 parking spaces per resident room.

11.0 Natural Resource and Environmental Data

We propose no amendment to Section 11.0 however, note the required RCA is accounted for on Tract 1 and there are no wetlands or streams located on Tract 2.

12.0 Stormwater Management Requirements

No amendment to Section 12.0.

13.0 Parks, Recreation and Cultural Advisory Commission Review

We propose a modified interpretation of UDO Article 14.1.1.B.2, which currently stipulates that a developer may be allowed to “pay to the Town a fee-in-lieu of dedication as provided herein.” We recognize that a fee-in-lieu of land dedication would make the most sense for this project however, we support a fee-in-lieu that reflects the room count equal to the total licensed assisted living rooms in the Congregate Care Facility less the rooms designated as memory care. We request to have room count for memory care removed from the fee-in-lieu calculation.

14.0 Public Facilities Requirements

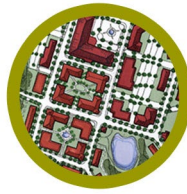
No amendment in Section 14.0.

15.0 Phasing Plan

We request amending the language to note Phase 2 as the Congregate Living Facility parcel.

16.0 Consistency With 2045 Land Use Plan

The parcel is designated as high density residential, office employment, and commercial services under the 2045 Land Use Map. The proposed use for a licensed assisted living facility is consistent with the Future Land Use Map because congregate living of this type is both high density residential by definition and commercial because it provides essential, professional care



services to the senior population. The proposed use is consistent with the intended goals and objectives of Apex' 2045 Land Use Map.

17.0 Consistency with Unified Development Ordinance

The following amendment is requested in Section 17.0:

Note that the development in Tract 2 will not supply a connection to Dominik Court.

18.0 Elevations

No amendment to Section 18.0.

19.0 Affordable Housing

The following amendment is requested in Section 19.0:

The \$15,000 contribution noted is only applicable to Tract 1. No contributions applicable to Tract 2 (congregate living facility).

20.0 Environmental Advisory Board (EAB) Zoning Conditions

The following conditions are being proffered as a result of the outcome of the meeting with the Environmental Advisory Board (EAB).

1. Building will include conduit to the roof to make it solar ready.
2. Site lighting will utilize full cut-off parking lot fixtures.
3. Site landscaping will exceed the minimum UDO landscape requirements.

AMENDMENT TO THE KOBRA TRACT PLANNED UNIT DEVELOPMENT (PUD)

KOBRA PUD TRACT 2

Calyx Senior Living of Apex

TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

CASE #: 22CZ10

SUBMITTALS

First Submittal	5/2/2022
Second Submittal	6/10/2022
Third Submittal	6/30/2022

SHEET INDEX

Cover	COVER
Existing Conditions Plan	L-1
Conceptual Layout Plan	L-2
Preliminary Utility Plan	L-3
Stormwater Management Plan	L-4
Bldg. Elevation Renderings	L-5

ZONING CONDITIONS

We are amending the zoning conditions on the originally approved KOBRA Tract PUD to include the following. These conditions shall only apply to Tract 2 of the KOBRA Tract PUD:

- Amend the current PUD to add Congregate Living Facility as a permitted use.
- Amend the current PUD to allow for up to 58,000 sf of gross building area.
- A 20% reduction of the required parking for a congregate living facility based on current requirements.
- 100% of Tract 2 shall be congregate living.
- Maximum density for Tract 2 shall be 11 rooms/acre.
- A reduction in the landscape buffer along the east side of the site (adjacent to Hwy 540) from 100' to 50'.
- Development shall utilize "non-residential setbacks" as outlined in Section 6.0 of the approved Kobra Tract PUD document.
- Amend Section 7.0 of the approved Kobra Tract PUD document to note these architectural controls only apply to Tract 1.
- Amend Section 8.0 of the approved Kobra Tract PUD document to read "Proposed Congregate Living Facility Architectural Controls" and list all architectural controls applicable to this project.
- Amend Section 15.0 of the approved Kobra Tract PUD document to note Phase 2 as the Congregate Living Facility parcel.
- Amend Section 17.0 of the approved Kobra Tract PUD document to eliminate stub connection to Dominik Court.
- Amend Section 19.0 of the approved Kobra Tract PUD document to note the \$15,000 contribution is only applicable to Tract 1.
- We propose a modified interpretation of UDO Article 14.1.1.B.2, which refers to a fee-in-lieu of land dedication. We recognize that a fee-in-lieu would make the most sense for this project however, we support a fee-in-lieu that reflects the room count equal to the total licensed assisted living rooms in the Congregate Care Facility less the rooms designated as memory care. We request to have room count for memory care deducted from the fee-in-lieu calculation.

All other zoning conditions approved as part of the original KOBRA Tract PUD shall remain.

CONTACT INFORMATION

LANDSCAPE ARCHITECT/APPLICANT:

TMTLA Associates
5011 Southpark Drive, Ste. 200
Durham, NC 27713
(919) 484-8880

CIVIL ENGINEERS/SURVEYOR:

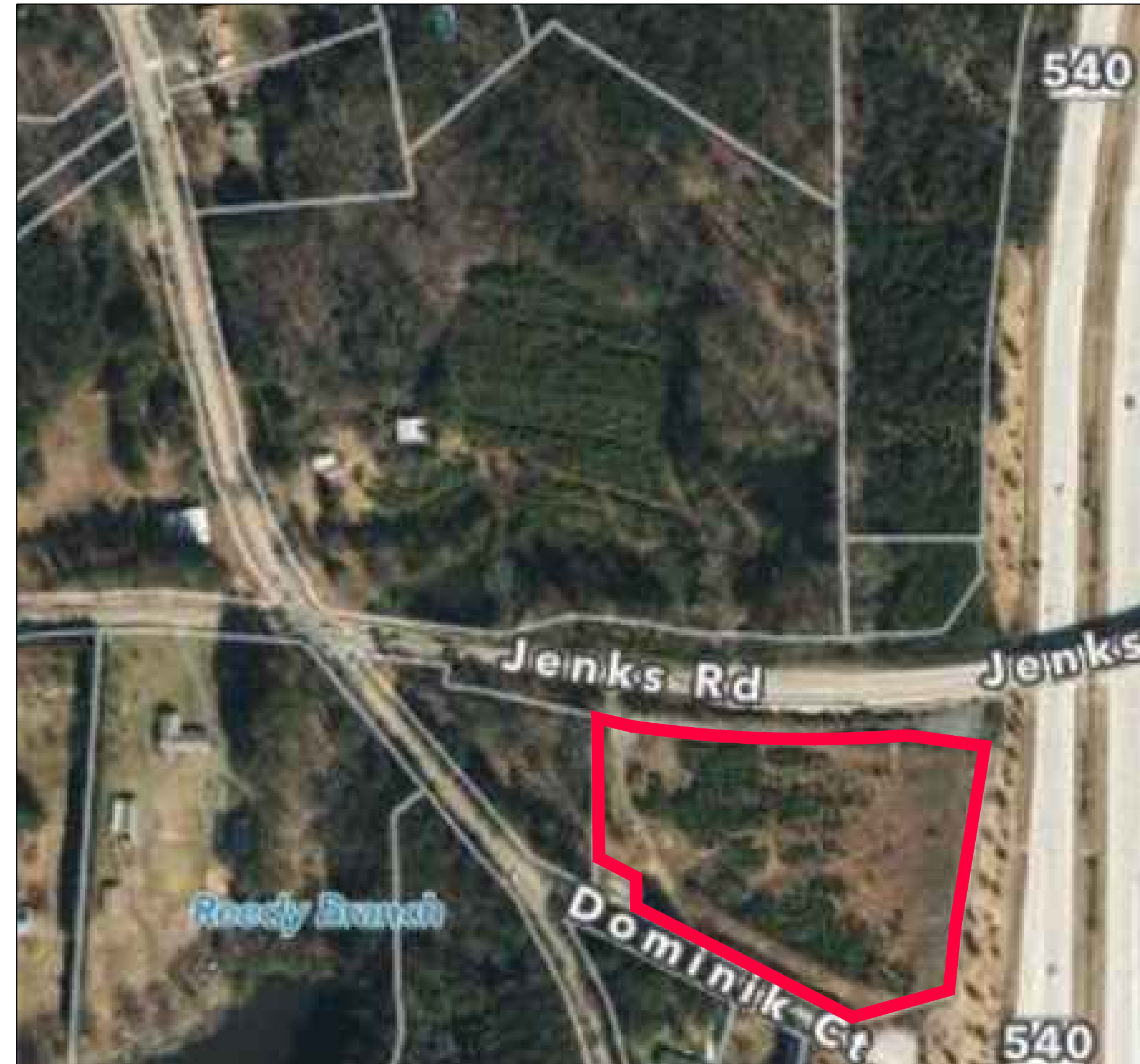
Summit Design and Engineering
1110 Navaho Drive, Ste. 609
Raleigh, NC 27609
(919) 322-0155

OWNER:

Kobra, LLC
117 Woodland Ridge Drive
Fuquay Varina, NC 27526

DEVELOPER/CONTRACT PURCHASER/ AGENT:

Carillon Assisted Living
4901 Waters Edge Drive, Ste. 200
Raleigh, NC 27606
(919) 852-4000



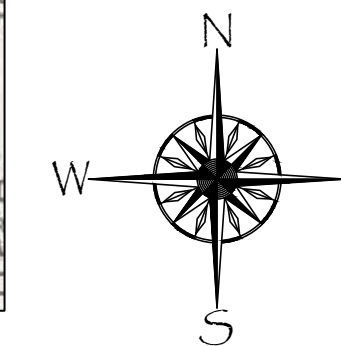
AERIAL PHOTO (SITE OUTLINED IN RED)

1" = 200'



VICINITY MAP (SITE OUTLINED IN RED)

1" = 1,000'



PROJECT DATA

NAME OF PROJECT	CALYX SENIOR LIVING OF APEX	
CURRENT 2045 LUM DESIGNATION	MIXED USE	
AREA OF TRACT	5.46 ACRES	
AREA DESIGNATED AS MIXED USE ON 2045 LUM	5.46 ACRES	
AREA OF MIXED USE PROPERTY PROPOSED AS NON-RESIDENTIAL DEVELOPMENT	0 ACRES	
PERCENT OF MIXED USE AREAS PROPOSED AS NON-RESIDENTIAL DEVELOPMENT	0%	
EXISTING GROSS S.F. OF BUILDINGS	0 S.F.	
PROPOSED GROSS S.F. OF BUILDING	58,000 S.F.	
PROPOSED GROSS S.F. BY FLOOR AREA	58,000 S.F.	
PROPOSED HEIGHT OF BUILDING	32' MAX.	
PROPOSED NUMBER OF STORIES	1	
PROPOSED NUMBER OF ROOMS	62 MAX.	
NUMBER OF PARKING SPACES REQUIRED	62	
TOTAL NUMBER OF PARKING SPACES PROVIDED	50 MIN.	
REQUIRED SETBACKS		
FRONT	5' FROM FACADE	
SIDE	5'	
SIDE CORNER	10'	
REAR	10'	
WATERSHED PROTECTION OVERLAY DISTRICT	PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT	
BUILT UPON AREA SUMMARY		
PRIMARY WATERSHED PROTECTION OVERLAY	12%	
MAXIMUM IMPERVIOUS PER UDO SEC.6.1		
PROPOSED IMPERVIOUS	50%	
MAX ALLOWED UNDER HIGH DENSITY OPTION FOR PUD-CZ	70%	
DOES SITE CONTAIN HISTORIC STRUCTURES	NO	

NOTE: THE PARKS, RECREATION AND CULTURAL RESOURCES ADVISORY COMMISSION REVIEWED THE PROJECT AT THE JUNE 29TH, 2022 MEETING AND UNANIMOUSLY RECOMMENDED A FEE-IN-LIEU OF DEDICATION. THE FEE RATE IS SET AT THE TIME OF TOWN COUNCIL APPROVAL AND RUNS WITH THE LIFE OF THE PROJECT AND IS BASED ON THE TOTAL UNIT COUNT ON THE APPROVED SITE PLAN.



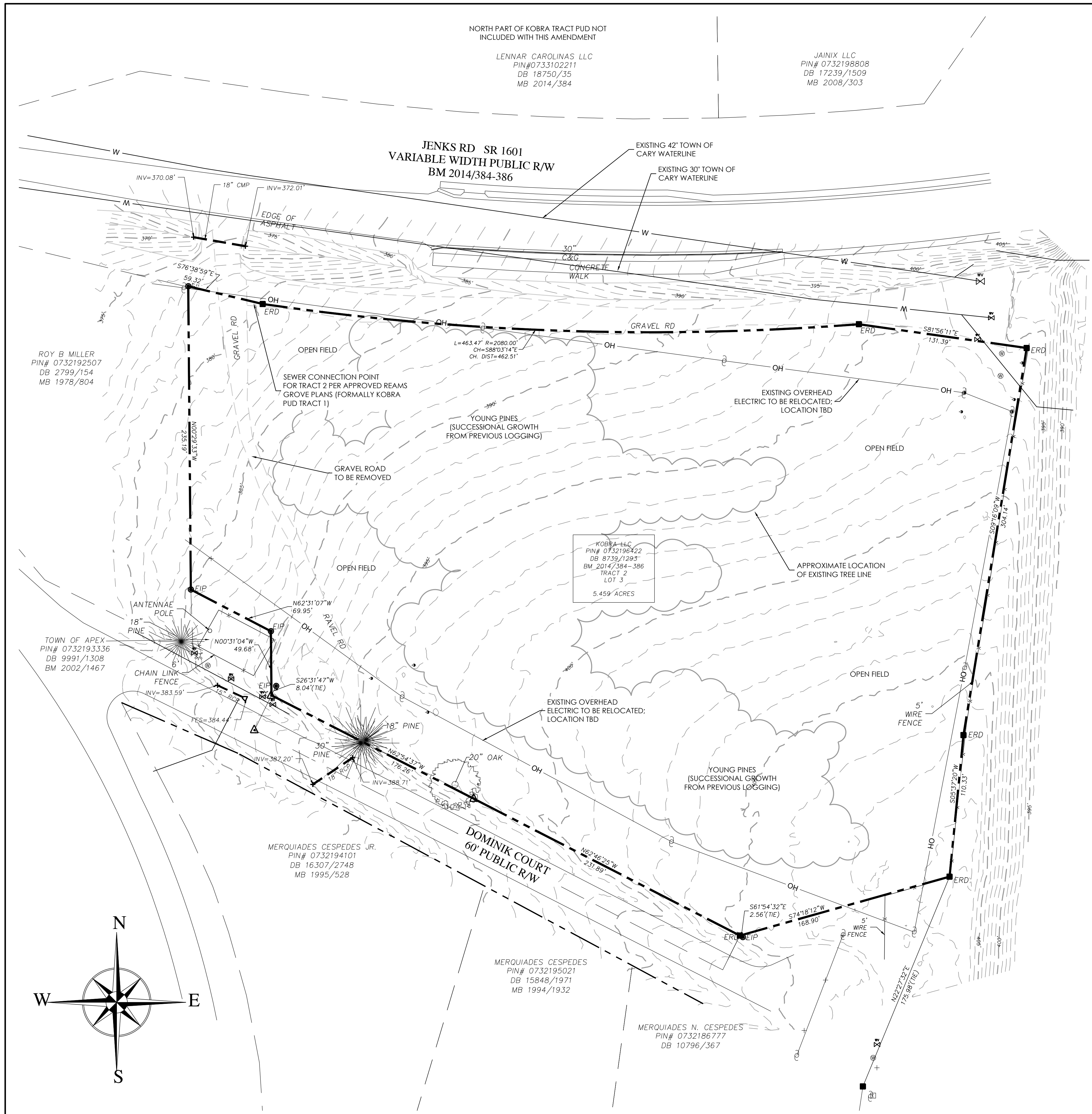
REVISIONS:

COVER
CALYX SENIOR LIVING
7501 Jenks Road
Apex, NC

SCALE:
AS NOTED
DRAWN BY:
PMP
PROJECT #
22024
DATE:
5/2/2022
SHEET

COVER
OF

TMTLA ASSOCIATES
5011 SOUTH PARK DRIVE, STE. 200 - DURHAM, NC 27713
p: (919) 484-8880 e: info@tmtla.com



EXISTING CONDITIONS NOTES

- BOUNDARY AND FIELD TOPOGRAPHIC SURVEY PROVIDED BY SUMMIT DESIGN AND ENGINEERING, MARCH 2022.
- PROJECT SITE IS NOT LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREAS OR FUTURE CONDITIONS FLOOD HAZARD AREAS, AS SHOWN ON FIRM PANEL #3720073300JJ DATED 5/2/2006 AND PANEL #3720073200JJ DATED 5/2/2006.
- THERE ARE NO PROTECTED WETLANDS WITHIN THE PROJECT SITE.
- THERE ARE NO BUFFERED STREAMS WITHIN THE PROJECT SITE.
- TREE INFORMATION BASED ON SURVEY PROVIDED BY SUMMIT DESIGN AND ENGINEERING, MARCH 2022.
- THE SUBJECT PROPERTY IS LOCATED WITHIN THE TOWN OF APEX PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
- ANY EXISTING MISCELLANEOUS STRUCTURES AND DRIVEWAYS SHALL BE REMOVED PER THE TOWN OF APEX STANDARDS AND REQUIREMENTS.
- EXISTING CONDITIONS AS SHOWN ON THESE PLANS ARE GENERAL AND ILLUSTRATIVE IN NATURE AND DO NOT INCLUDE MECHANICAL, ELECTRICAL AND MISCELLANEOUS STRUCTURES. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW THE PROJECT SITE AND FAMILIARIZE WITH ACTUAL FIELD CONDITIONS PRIOR TO BIDDING AND COMMENCING WORK. IF FIELD CONDITIONS ARE FOUND TO BE SIGNIFICANTLY DIFFERENT THE CONTRACTOR SHALL NOTIFY THE PROJECT LANDSCAPE ARCHITECT OR ENGINEER IMMEDIATELY.

**PRELIMINARY
NOT APPROVED FOR
CONSTRUCTION**



REVISIONS:

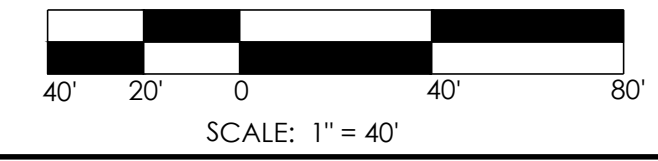
EXISTING CONDITIONS
CALYX SENIOR LIVING
7501 Jenks Road
Apex, NC

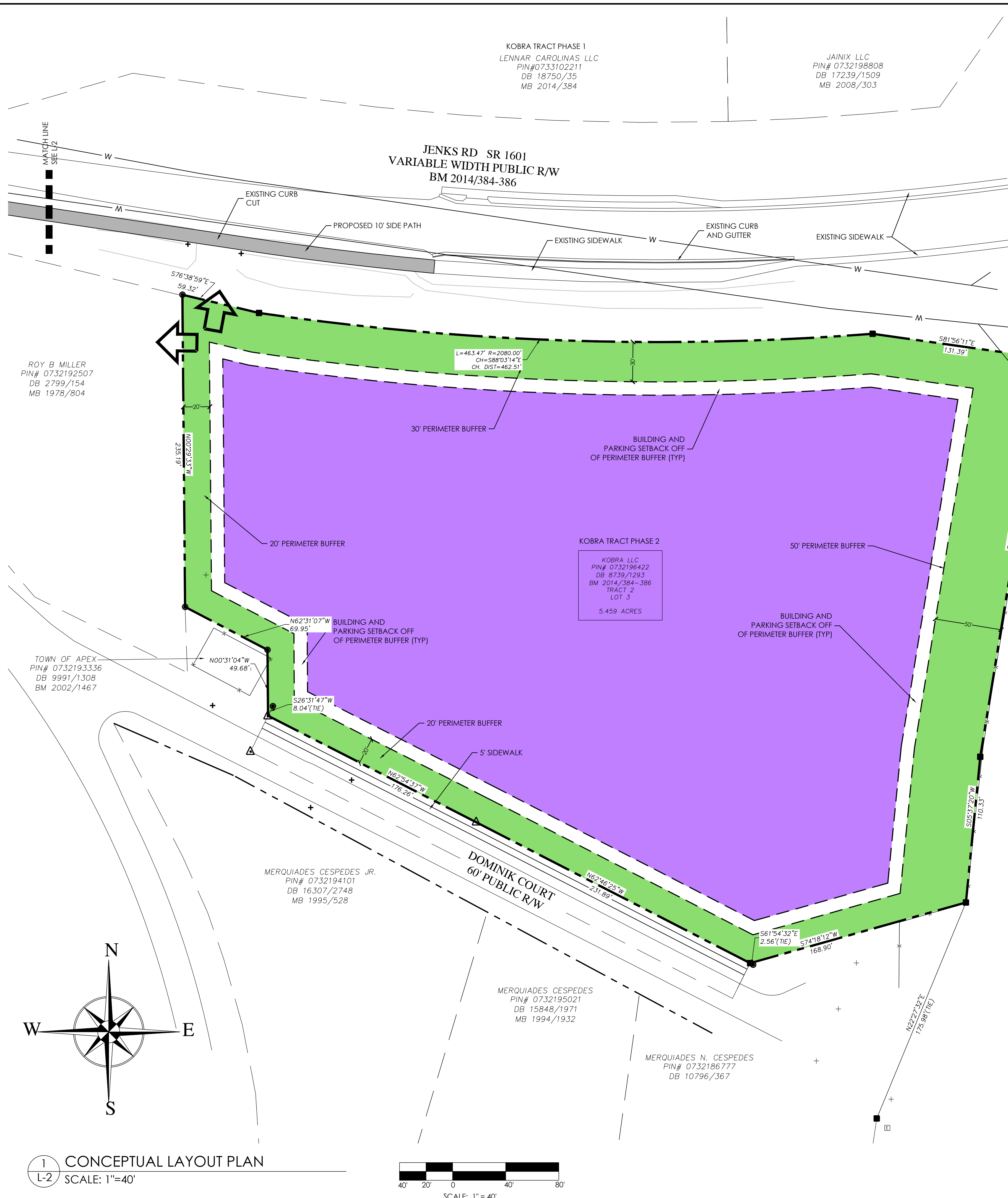
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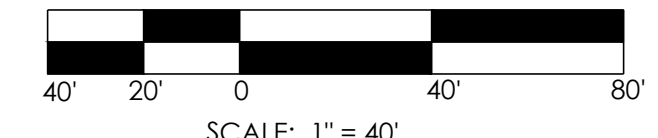
TMTLA ASSOCIATES
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p: (919) 484-8880 e: info@tmtla.com

1
L-1 EXISTING CONDITIONS PLAN
SCALE: 1"=40'

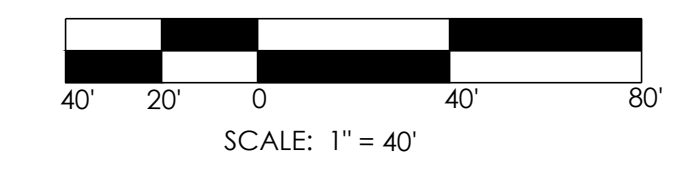




1
L-2 CONCEPTUAL LAYOUT PLAN
SCALE: 1"=40'



2
L-2 CONCEPTUAL LAYOUT PLAN
SCALE: 1"=40'

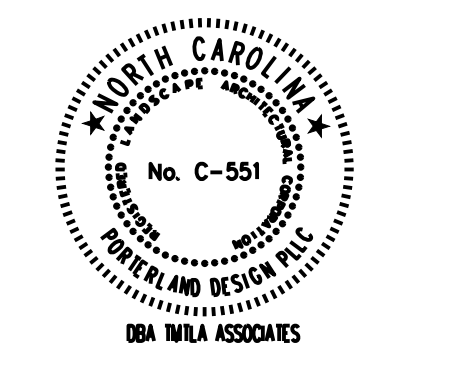
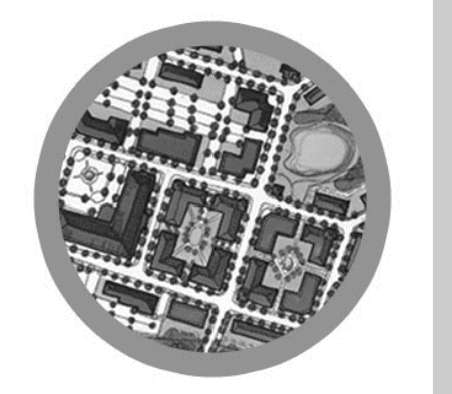
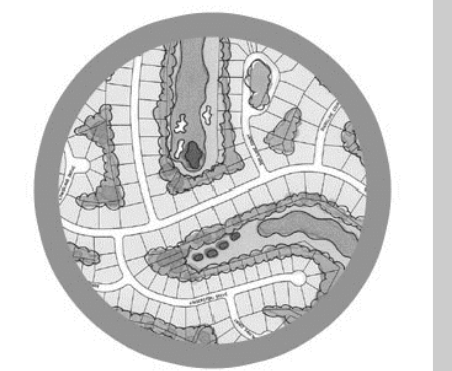
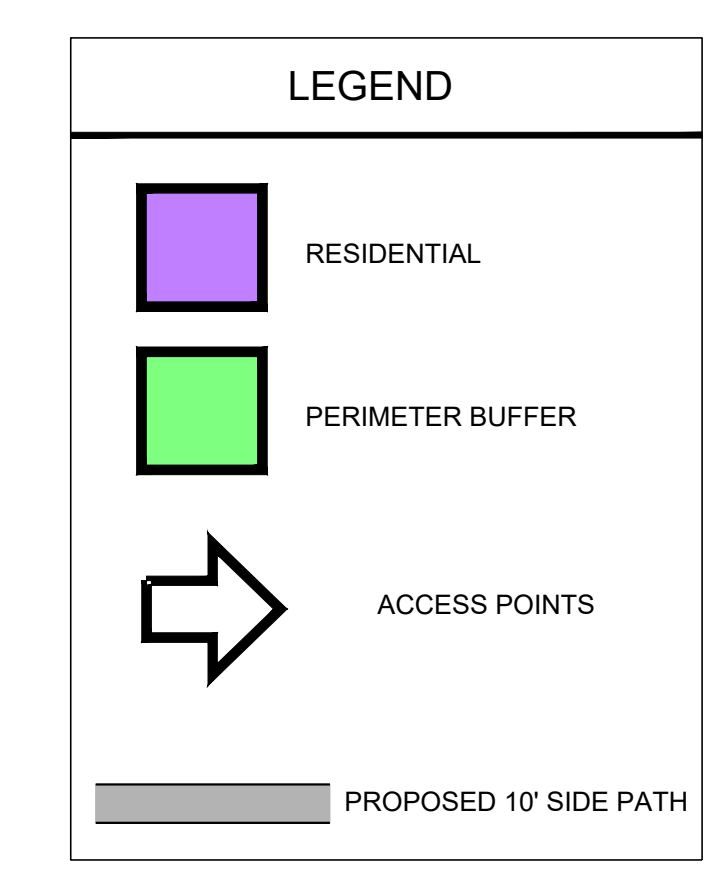


NOTES

1. MAXIMUM NUMBER OF RESIDENTIAL UNITS: 58
2. MAXIMUM RESIDENTIAL AREA: 165,000 S.F. (AREA IN PURPLE ON THIS MAP)
3. NO RESOURCE CONSERVATION AREA (RCA) IS REQUIRED AS IT WAS ALL INCLUDED WITH PHASE ONE OF THE KOBRA TRACT PUD.
4. 50' TYPE A BUFFER ALONG 540 IS BEING PROPOSED.

PRELIMINARY
NOT APPROVED FOR
CONSTRUCTION

PLAN SHEETS ARE INTENDED
FOR ILLUSTRATIVE USE ONLY



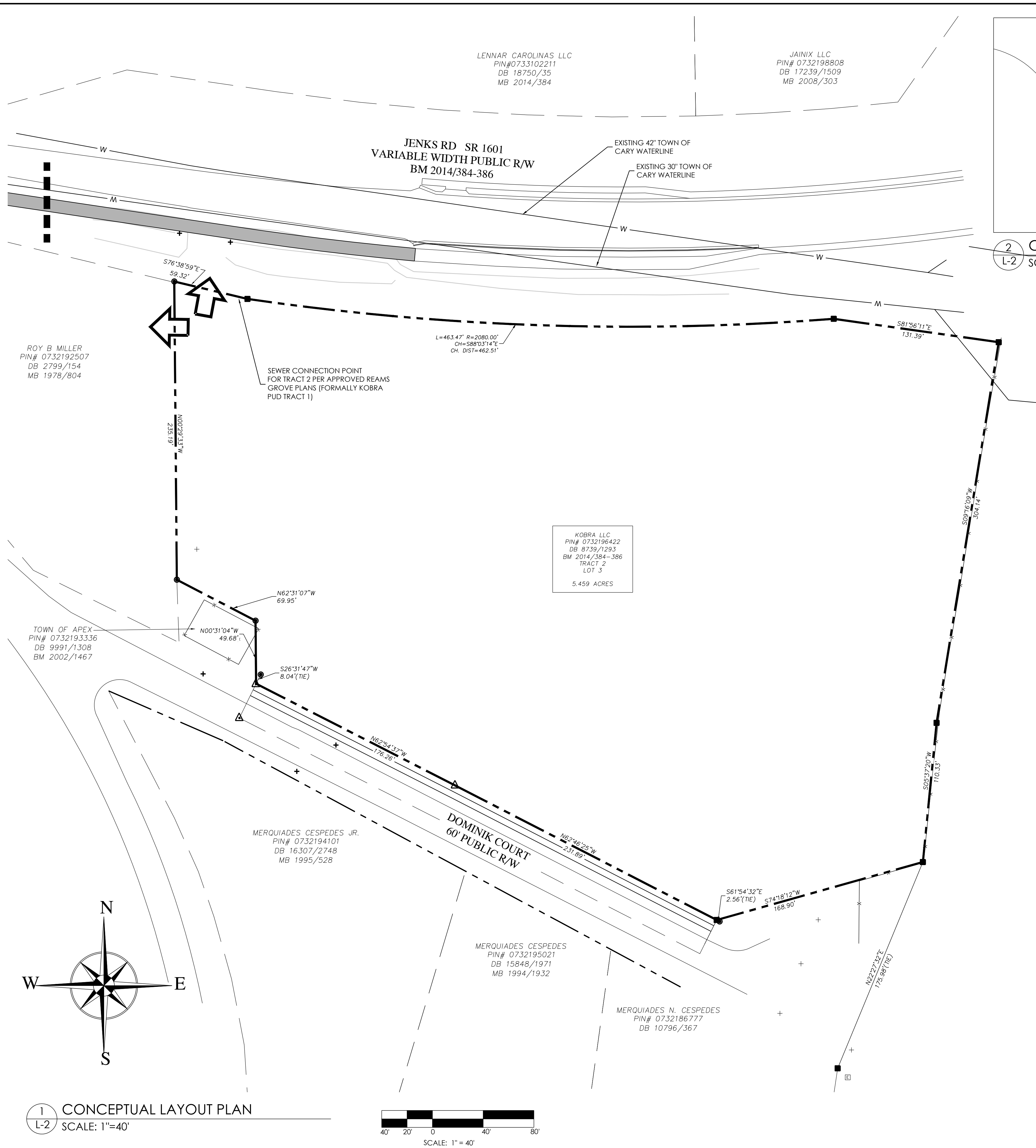
REVISIONS:

CONCEPTUAL LAYOUT PLAN
CALYX SENIOR LIVING
7501 Jenks Road
Apex, NC

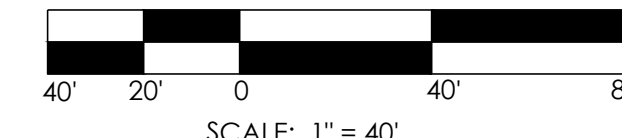
SCALE:
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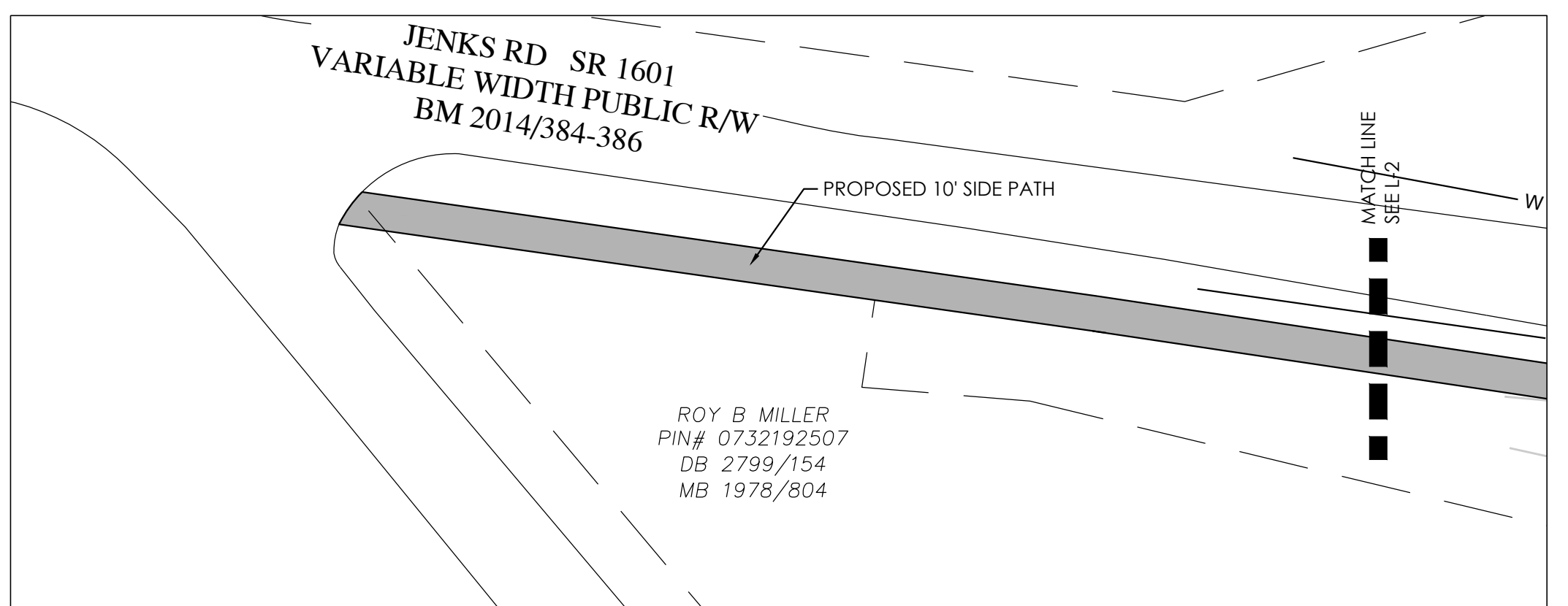
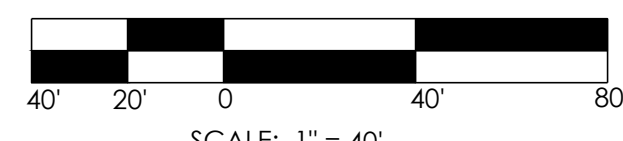
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1 CONCEPTUAL LAYOUT PLAN
L-2 SCALE: 1"=40'



2 CONCEPTUAL LAYOUT PLAN
L-2 SCALE: 1"=40'



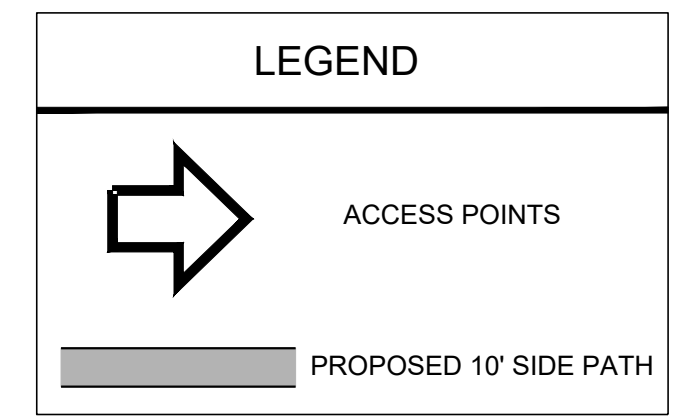
UTILITY NOTES

1. WATER AND SANITARY SEWER WILL BE OWNED AND MAINTAINED BY THE TOWN OF APEX.
2. FIRE HYDRANTS, VALVES, SERVICES, METERS, AND APPURTENANCES SHALL BE DESIGNED PER THE TOWN OF APEX CONSTRUCTION SPECIFICATIONS AND SHALL BE SHOWN ON THE CONSTRUCTION PLANS.
3. ALL UTILITY EASEMENTS SHALL BE PROVIDED AS NECESSARY. DELINEATION WILL BE DETERMINED WITH FINAL DESIGN OF INTERNAL PUBLIC STREETS AT THE SUBDIVISION PLAN STAGE. MINIMUM UNDISTURBED BUFFER WIDTHS SHALL BE EXCLUSIVE OF UTILITY EASEMENTS UNLESS APPROVED BY THE DIRECTOR OF THE PUBLIC WORKS & UTILITIES DEPARTMENT.
4. THE DEVELOPER WILL ACTIVELY WORK WITH THE TOWN OF APEX TO PRESERVE EXISTING TREES ON SITE. THESE AREAS SHALL INCLUDE REQUIRED LANDSCAPE BUFFERS, RCA AREAS, NON-BUFFERED AND NON-RCA AREAS, AREAS OF PROPOSED UTILITY LINES, AND ADJACENT TO THE SUBJECT PROPERTY, TO THE MAXIMUM EXTENT POSSIBLE.
5. UTILITY LAYOUT FOR WATER AND SEWER IS CONCEPTUAL. FINAL DESIGN WILL BE DETERMINED AT THE SUBDIVISION PLAN STAGE.

INTERSTATE 540
VARIABLE WIDTH PUBLIC R/W

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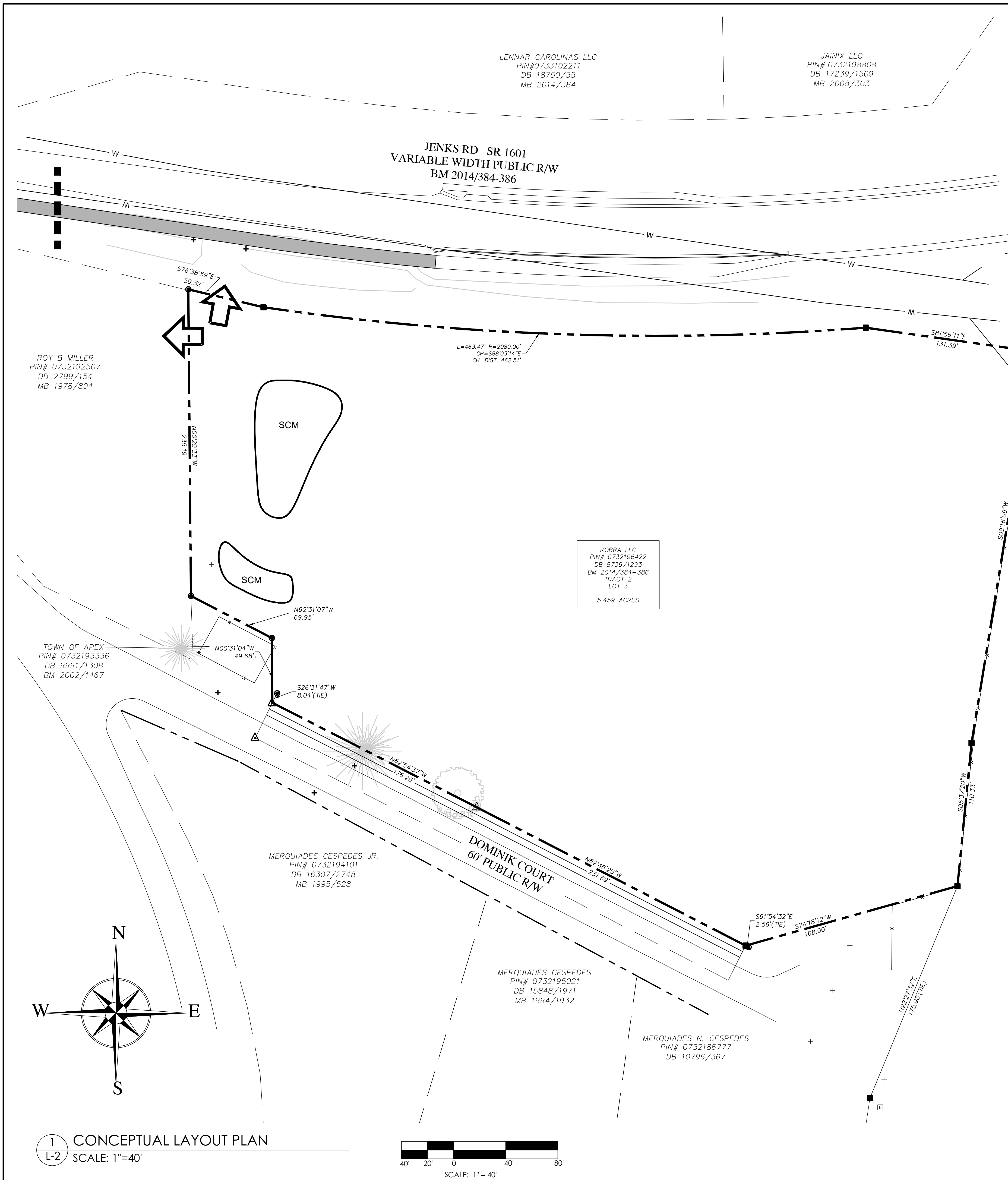


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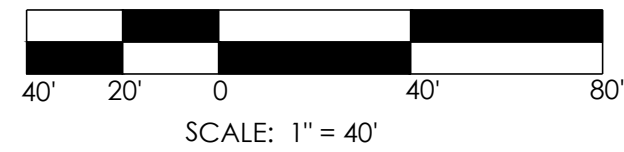
PRELIMINARY UTILITY PLAN
 CALYX SENIOR LIVING
 7501 Jenks Road
 Apex, NC

SCALE:
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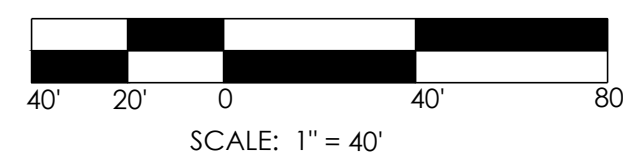
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 OF



1 CONCEPTUAL LAYOUT PLAN
L-2 SCALE: 1"=40'



2 CONCEPTUAL LAYOUT PLAN
L-2 SCALE: 1"=40'



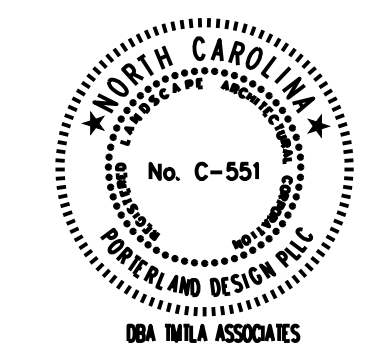
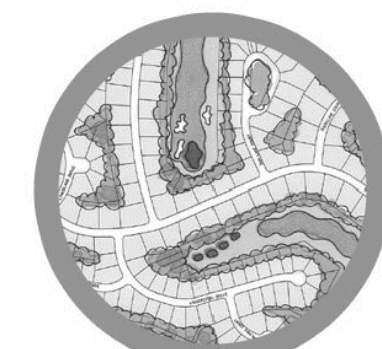
STORMWATER MANAGEMENT NOTES

- BOUNDARY AND FIELD TOPOGRAPHIC SURVEY PROVIDED BY SUMMIT DESIGN AND ENGINEERING, MARCH 2022.
- PROJECT SITE IS NOT LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREAS OR FUTURE CONDITIONS FLOOD HAZARD AREAS, AS SHOWN ON FIRM PANEL #3720073300JJ DATED 5/2/2006 AND PANEL #3720073200JJ DATED 5/2/2006.
- THERE ARE NO PROTECTED WETLANDS WITHIN THE PROJECT SITE.
- THERE ARE NO BUFFERED STREAMS WITHIN THE PROJECT SITE.
- THE SUBJECT PROPERTY IS LOCATED WITHIN THE TOWN OF APEX PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
- STORMWATER MANAGEMENT FACILITIES SHALL BE DESIGNED PER THE TOWN OF APEX STANDARDS AND REGULATIONS FOR STORMWATER QUANTITY AND QUALITY (UDO SECTION 6.1.7 B).
- ALL APPLICABLE LOCAL AND STATE ENVIRONMENTAL PERMITS SHALL BE OBTAINED PRIOR TO START OF CONSTRUCTION.
- STORMWATER TREATMENT WILL BE HANDLED BY INDIVIDUAL OR REGIONAL FACILITIES WITHIN THE SUBJECT PROPERTY OR ADJACENT OFF-SITE DRAINAGE EASEMENT.

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PLAN SHEETS ARE INTENDED
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LEGEND	
	ACCESS POINTS
	PROPOSED 10' SIDE PATH



REVISIONS:

STORMWATER MANAGEMENT PLAN
CALYX SENIOR LIVING
7501 Jenks Road
Apex, NC

SCALE:
AS NOTED
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5/2/2022

SHEET
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OF

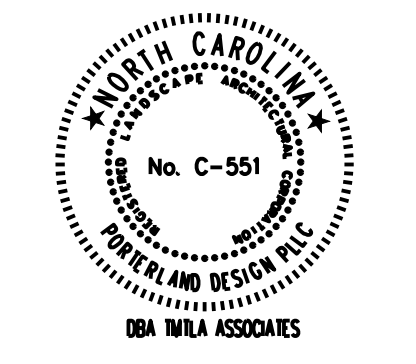


ILLUSTRATIVE ELEVATIONS OF THE
 CALYX FACILITY IN
 FUQUAY-VARINA.
 CALYX SENIOR LIVING OF APEX
 WILL HAVE A BUILDING WITH
 SIMILAR STYLE AND MATERIALS

PRELIMINARY
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RENDERINGS BY HR ASSOCIATES



REVISIONS:

BLDG. ELEVATION RENDERINGS
CALYX SENIOR LIVING
 7501 Jenks Road
 Apex, NC

SCALE:
 AS NOTED
 DRAWN BY:
 PMP
 PROJECT #
 22024
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SHEET
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 OF