

STAFF REPORT

Rezoning #20CZ04 Kobra Tracts PUD

October 6, 2020 Town Council Meeting



All property owners and neighborhood associations within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 7500 Green Level Church Road & 7501 Jenks Road

Applicant/Agent: Lennar/ WithersRavenel

Owners: Kobra LLC

PROJECT DESCRIPTION:

Acreage: ±24.63 acres

PINs: 0733102211 & 0732196422

Current Zoning: Rural Residential (RR)

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

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

Town Limits: ETJ

Adjacent Zoning & Land Uses:

| | Zoning | Land Use |
|---------------|--|---|
| North: | Rural Residential (RR) | Single Family Residential; Vacant |
| South: | Rural Residential (RR); Medium Density Residential (MD) | Jenks Rd.; Vacant; Single Family Residential; Dominik Ct. |
| East: | Rural Residential (RR) | Vacant; NC 540 |
| West: | Rural Residential (RR); Medium Density Residential (MD) | Green Level Church Rd.; Single Family Residential; Vacant |

EXISTING CONDITIONS:

The site consists of two parcels split by Jenks Road totaling ±24.63 acres. The northern property has three (3) existing barns and a workshop, a stream with a 50' riparian buffer that bisects the northern half of the property, and two (2) existing ponds. The southern property is currently vacant and adjacent to NC 540 right-of-way.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on February 13, 2020. The neighborhood meeting report is attached.

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2045 LAND USE MAP:

The 2045 Land Use Map designates the northern property as Medium Density Residential/Office Employment and the southern property as Mixed Use: High Density Residential/Office Employment/Commercial Services. The PUD designates all of the southern parcel to be non-residential.

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 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.

Residential Tract (north of Jenks Rd):

- Single Family
- Townhouse
- Townhouse, detached

Non-Residential Tract (south of Jenks Rd):

- Utility, Minor
- Greenway
- Park, Active
- Park, Passive
- Office, Business or Professional
- Restaurant, General
- Medical or Dental Office or Clinic
- Medical or Dental Laboratory
- Hotel or Motel
- Artisan Studio
- Barber and Beauty Shop
- Book Store
- Financial Institution
- Floral Shop
- Funeral Home
- Kennel
- Newsstand or Gift Shop
- Personal Service
- Pharmacy
- Printing and Copying Service
- Real Estate Sales
- Pet Services
- Studio for Art
- Tailor Shop
- Microbrewery
- Microdistillery
- Retail Sales, General
- Grocery, Specialty



Proposed Design Controls:

Density

The PD Plan proposes an overall maximum residential density of 3.00 units per acre (70 dwelling units).

Dimensional Standards

| | Northern Tract- Residential | Southern Tract- Non-Residential |
|---------------------------|-----------------------------|---------------------------------|
| Parcel Size | 18.21 acres | 5.46 acres |
| Maximum Density | 3 units per acre | 39,000 sq ft |
| Maximum Residential Units | 70 units | N/A |
| Maximum Building Height | 32 feet | 48 feet |
| Maximum Built-Up Area | 70% | 70% |

| Minimum Setbacks | | | |
|--------------------------------|--|------------------|-----------|
| Northern Tract-Residential | Front: 5' from façade 19' from garage to lot line 20' from garage to back of sidewalk | Side: 5' | Rear: 10' |
| | | Corner Side: 10' | |
| Southern Tract-Non-Residential | Front: 20' | Side: 10' | Rear: 20' |
| | | Corner Side: 10' | |

Buffers

The proposed PUD meets or exceeds the buffers required by the UDO with the exception of the buffer provided along the northern and eastern property boundary. Along these property lines, the buffer is proposed to be reduced to a 10' Type B buffer due to stream buffers.

| Perimeter Buffers: | UDO Required | Proposed |
|----------------------------|---------------------|-----------------|
| Northern Tract: | | |
| Northern property boundary | 20' Type B | 10' Type B |
| Eastern property boundary | 20' Type B | 10' Type B |
| Jenks Road | 30' Type B | 30' Type B |
| Green Level Church Road | 30' Type B | 30' Type B |
| Southern Tract: | | |
| Jenks Road | 30' Type E | 30' Type E |
| West | 20' Type B | 20' Type B |
| South | 20' Type B | 20' Type B |
| NC 540 | 100' Type A | 100' Type A** |

**May be reduced to 50' type A per UDO Section 8.2.6



A 30 ft. wide minimum cross access easement will be provided from PIN#0733102211 to PIN# 0732198808 in order to provide an access point for the parcel through a driveway at Jenks Road. In the event that the driveway extends to the main entrance of the subdivision on Jenks Road, the buffer will be reduced to no less than 15' to accommodate the access easement.

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.

Built Upon Area

The proposed maximum built upon area is 70%.

Resource Conservation Area

The rezoning application for Kobra Tract PUD was submitted prior to the recent UDO amendment that increased the RCA requirement for properties south and west of NC 540 from 25% to 30% of the site. As such, it complies with the UDO requirement in effect at the time of application to preserve or establish at least 25% of the project as RCA.

Parking

Parking and loading will comply with all applicable requirements of UDO Sec. 8.3 *Parking and Loading*.

Affordable Housing

If the Town of Apex has a fund or other mechanism in place to receive donations to construct, subsidize, or participate in the development of affordable housing units (the "Fund"), the developer will contribute \$15,000 to this Fund prior to the first residential Certificate of Occupancy. In the event the Fund has not been established by the Town of Apex, the money will be conveyed to a non-profit organization participating in affordable housing. The developer will work with the Town of Apex to identify a mutually acceptable non-profit organization to receive these funds.

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 Residential Master Subdivision Plan submittal. The following conditions shall apply:

Residential Standards:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All townhomes shall have a raised foundation which at a minimum rises at least 12 inches from average grade across the front of the house to the finished floor level at the front door.



3. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
4. Garage doors must have windows, decorative details or carriage-style adornments on them.
5. Entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
6. Building facades shall have horizontal relief achieved by the use of recesses projections.
7. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
8. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
9. The residential dwelling units will be provided with solar conduit to accommodate the future installation of solar panels.
10. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Column
 - Portico
 - Balcony
 - Dormer
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice

Non-Residential design guidelines:

1. The predominant exterior building materials shall be brick, wood, stone and tinted/textured concrete masonry units.
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

Public Facilities:

The project's construction will consist of the extension of public facilities to serve the site. All public facilities and infrastructure shall comply with the Town of Apex Sewer and Water Master Plans and the Town of Apex Standards and Specifications. Public facilities include:

Water:

All on-site water lines will be designed according to Town of Apex Standards and Specifications.

Sanitary Sewer:

Sanitary Sewer will be established upon the site and will tie into an existing manhole at the southern end of the Greenmoor Subdivision via an offsite sewer outfall to be within a Town of



Apex utility easement. Potable water will be established upon the site and tie to the existing lines along Green Level Church Road and Jenks Road.

Other Utilities:

Electric service shall be provided by the Town of Apex. Gas, telephone, and cable shall be provided by the builder as coordinated with the appropriate utility companies.

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:

The Parks, Recreation, and Cultural Resources Advisory Commission recommended a fee-in-lieu of dedication for the project at their June 24, 2020 meeting. Fee-in-lieu amount to be determined at the time of master subdivision plan according to the Town of Apex fee schedule at the time of PUD approval.

APEX TRANSPORTATION PLAN/ACCESS and CIRCULATION:

The Site will require an internal public roadway network and parking spaces. The onsite transportation circulation system shall be consistent with the Town of Apex Transportation Plan and the Town of Apex Standard Specifications and Standard Details. Frontage improvements along Jenks Road & Green Level Church Road have been identified during the pre-application correspondence and will be incorporated into the design, subject to approval by the Town of Apex & NCDOT.

Phase 1 roadway improvements:

- i. Developer shall dedicate public right-of-way along Green Level Church Road based on a minimum of half of a 4-lane, 110' right-of-way section and construct a 5' paved shoulder along the frontage within Phase 1.
- ii. Developer shall construct a southbound left turn lane on Green Level Church Road at Jenks Road with at least 150' of storage and adequate taper & deceleration lengths per NCDOT standards.
- iii. Developer shall construct a southbound left turn lane on Green Level Church Road at proposed site access with at least 50' of storage and adequate taper & deceleration lengths per NCDOT standards. This access shall be located a minimum of 500 feet from Jenks Road.
- iv. Developer shall dedicate public right-of-way along Jenks Road based on a minimum of half of a 3-lane, 80' right-of-way section and construct a 5' paved shoulder along the frontage within Phase 1. Jenks Road improvements shall include the extension of the existing two-way left turn lane from west of the NC 540 bridge to the intersection with Green Level Church Road. The access points for Phase 1 and Phase 2 shall align across from each other and be located a minimum of 500 feet from Green Level Church Road.
- v. Developer shall coordinate with traffic signal installation by others at the intersection of Green Level Church Road at Jenks Road if not already installed by the time this development plan moves forward. Developer is responsible for plan revisions and modifications to the traffic signal to accommodate roadway improvements associated with Phase 1 and Phase 2.
- vi. Developer shall dedicate additional right-of-way along the project frontage to accommodate a roundabout based on the preliminary layout on file with the Town (designed as part of the Westford development zoning conditions) if not removed from the Transportation Plan prior to subdivision plan approval.



Phase 2 roadway improvements:

- i. Developer shall not propose access to Dominik Court until either one of the following conditions is met:
 - a) Dominik Court is realigned southward to provide an approximate right-angle intersection with Kelly Road approximately 700-800' south of Jenks Road, and a southbound left turn lane is provided on Kelly Road at Dominik Court with a minimum of 100' of storage plus deceleration and taper according to NCDOT standards.
 - b) A public street connecting Dominik Court to Jenks Road is constructed and Dominik Court is converted to a right-in/right-out access at Kelly Road.

Pedestrian Facilities

According to the Advance Apex 2045 Plan, sidepaths are planned along both Green Level Church Road and Jenks Road. The development plan will incorporate sidepaths along both streets and will include sidewalks along the internal street network, and thus is in compliance with the future land use plan.

Phase 1 pedestrian facility improvements:

- i. Developer shall construct a 10' side path on the east side of Green Level Church Road along the frontage within Phase 1.
- ii. Developer shall construct a 5' sidewalk on the north side of Jenks Road along the frontage within Phase 1.

Phase 2 pedestrian facility improvements:

- i. Developer shall construct a 10' side path on the south side of Jenks Road along the frontage within Phase 2.
- ii. Developer shall construct an extension of the 10' side path located on the south side of Jenks Road from Phase 2 to the intersection of Jenks Road and Green Level Church Road and design and install a signalized crosswalk across Jenks Road at the traffic signal. 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 if easement or right-of-way cannot be secured prior to completion of the first CO within Phase 2. Any performance guarantee provided for this section of side-path shall be released upon acceptance of said fee-in-lieu by the Town.
- iii. Developer shall improve the north side of Dominik Court along the frontage of Phase 2 based on a minimum 27' b-b curb and gutter roadway with 5' sidewalk.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of rezoning #20CZ04 Kobra Tracts PUD with the conditions as proposed by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a Public Hearing on September 14, 2020 and voted on September 16, 2020 to recommend approval of the rezoning with the conditions offered by the applicant, including changes offered on September 16, 2020, by a 6-0 vote with 1 abstention due to technical difficulties. The Planning Board also included a note to Town Council that if the sewer location is not worked out to a mutual satisfaction, Council should consider denying the project.



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 northern property of the site as Medium Density Residential/Office Employment and the southern property as Mixed Use: High Density Residential/Office Employment/Commercial Services. The proposed PUD is consistent with those land use classifications.

Approval of the rezoning is reasonable and in the public interest because the site is located between two (2) major commercial areas and along two (2) thoroughfares. The proposed rezoning to Planned Unit Development-Conditional Zoning will have a maximum residential density of 3 dwelling units per acres and designates approximately 5.46 acres or 100% of the southern property as non-residential.

The proposed rezoning is also reasonable and in the public interest because it will allow this property to develop in a way that is consistent with the surrounding areas and build sidepaths along Green Level Church Road and Jenks Road.

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 2030 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 two percent (2%) provided that:
 - (i) The PD Plan for PUD-CZ includes a non-residential component; or
 - (ii) The PD Plan for PUD-CZ has an overall density of 6 residential units per acre or more.
 - 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 2030 Land Use.
- k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

Legislative Considerations

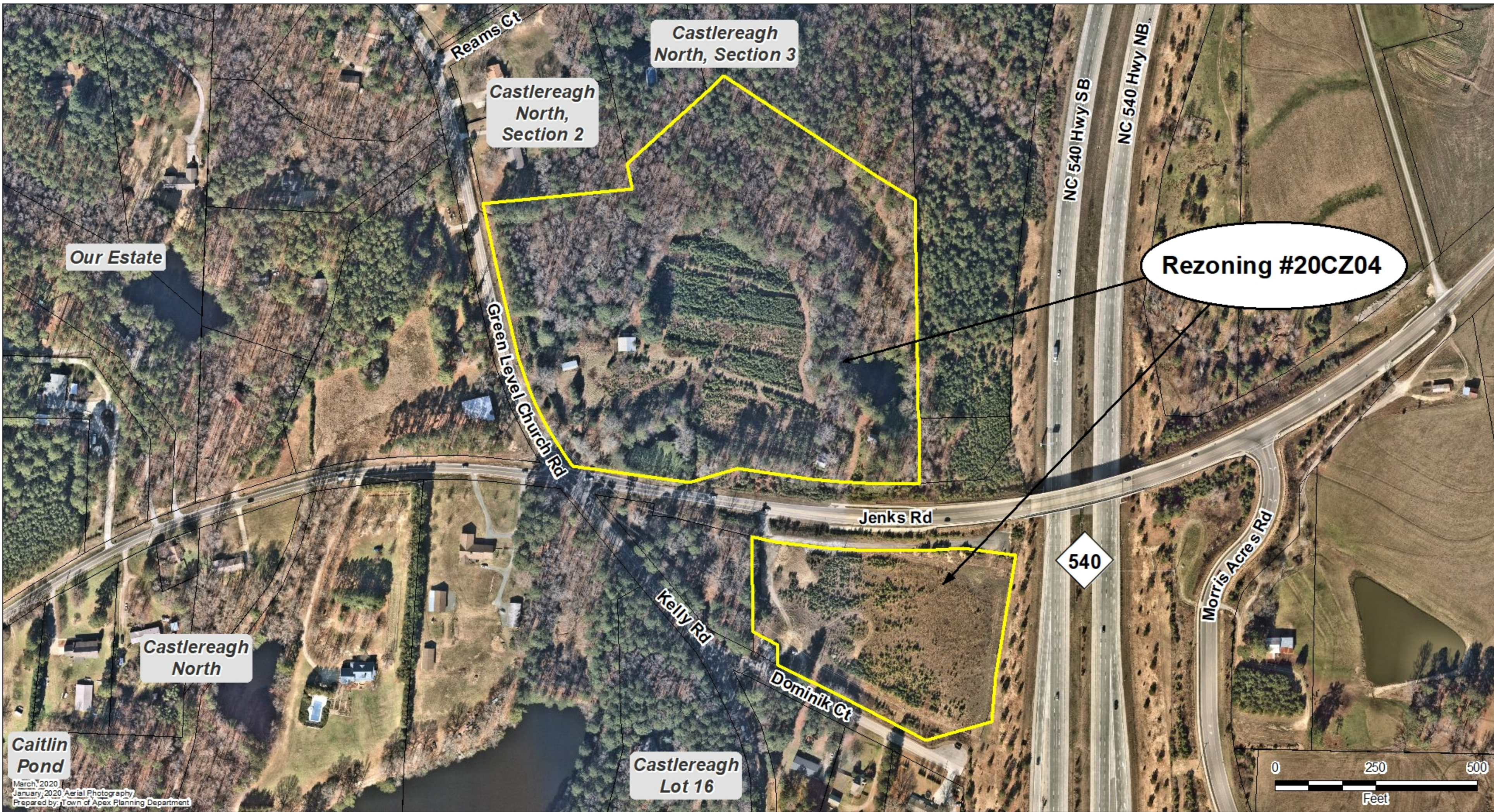
The Town Council shall find the PUD-CZ designation demonstrates compliance with the following standards. Sec. 2.3.3.F:

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

- 1) *Consistency with 2030 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 2030 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.



- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



Our Estate

Castlereagh North, Section 2

Castlereagh North, Section 3

Rezoning #20CZ04

Green Level Church Rd

Jenks Rd

540

Morris Acres Rd

Castlereagh North

Kelly Rd

Dominik Ct

Castlereagh Lot 16

Caitlin Pond

March, 2020
January, 2020 Aerial Photography
Prepared by: Town of Apex Planning Department

0 250 500
Feet

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 #: 20CZ04
Fee Paid: \$ 1,736.70

Submittal Date: 3-2-20
Check #: 01383504

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: KOBRA Tracts

Address(es): 7500 GREEN LEVEL CHURCH RD & 7501 JENKS RD

PIN(s) 0733102211 & 0732196422

Acreage: 18.21 & 5.46

Current Zoning: RR Proposed Zoning: PUD-CZ

Current 2045 LUM Designation: Med. Density Residential/Office Employment & Mixed-Use

Requested 2045 LUM Designation: No Proposed Change

See next page for LUM amendment

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>5.46</u> |
| Area proposed as non-residential development: | Acreage: | <u>5.46</u> |
| Percent of mixed use area proposed as non-residential: | Percent: | <u>100</u> |

Applicant Information

Name: WithersRavenel

Address: 137 S Wilmington Street, Suite 200

City: Raleigh State: NC Zip: 27601

Phone: 919.469.3340 E-mail: bvega@withersravenel.com

Owner Information

Name: KOBRA LLC

Address: 117 Woodland Ridge Drive

City: Fuquay-Varina State: NC Zip: 27526

Phone: _____ E-mail: _____

Agent Information

Name: WithersRavenel

Address: 137 S Wilmington Street, Suite 200

City: Raleigh State: NC Zip: 27601

Phone: 919.469.3340 E-mail: bvega@withersravenel.com

Other contacts: _____

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: _____

Submittal Date: _____

2045 LAND USE MAP AMENDMENT (if applicable)

The applicant does hereby respectfully request the Town Council amend the 2045 Land Use Map. In support of this request, the following facts are shown:

The area sought to be amended on the 2045 Land Use Map is located at:

n/a

Current 2045 Land Use Classification: n/a

Proposed 2045 Land Use Classification: n/a

What conditions justify the passage of the amendment to the 2045 Land Use Map? Discuss the existing use classifications of the subject area in addition to the adjacent land use classifications.

n/a

Legal Description - Tract 2/Lot 2 BM 2014, Pg. 384-386

Beginning at an existing iron pipe on the eastern right of way of Green Level Church Road (SR 1600), a common corner with (now or formerly) Arthur H. Laford (DB 6295, Pg. 580), said iron pipe having NC grid, NAD 83 (2011) coordinates of Y(N): 730,468.49 and X(E): 2,030,626.73 and being the true point of beginning for the property herein described:

Thence N84°21'29"E, 369.96 feet along a common line with Laford to an existing iron pipe;

Thence N12°09'14"W, 62.39 feet along a common line with Laford to an existing iron pipe, a common corner with (now or formerly) Robert S. and Lynn S. Craycroft (DB 5018, Pg. 504);

Thence N47°52'48"E, 139.68 feet along a common line with Craycroft to an existing iron pipe;

Thence N47°57'19"E, 128.00 feet along a common line with Craycroft to an existing iron pipe, a common corner with (now or formerly) John and Kristel M. Weldon (DB 16653, Pg. 1598);

Thence N47°16'47"E, 55.55 feet along a common line with Weldon to an existing iron pipe;

Thence S56°40'28"E, 438.88 feet along a common line with Weldon to an existing iron pipe;

Thence S58°25'06"E, 122.64 feet along a common line with Weldon to an existing iron pipe at the base of an 8" gum in the line of (now or formerly) Jainix, LLC (DB 17341, Pg. 1696);

Thence S00°52'14"E, 700.93 feet along a common line with Jainix to an existing iron pipe on the northern right of way of Jenks Road (SR 1601), passing an existing iron pipe marking the boundary between adjoining Jainix properties (DB 17341, Pg. 1696 and DB 17239, Pg. 1509) at 539.35 feet;

Thence along the northern right of way of Jenks Road the following courses and distances:

1. Along the arc of a curve to the right having a radius of 1,920.00 feet, an arc length of 331.36 feet, and a chord bearing and distance of N86°36'58"W, 330.95 feet to an existing iron pipe;
2. N81°40'19"W, 119.30 feet to an existing iron pipe; and
3. S74°05'18"W, 122.94 feet to an existing iron pipe;

Thence S08°08'33"W, 30.00 feet to a new mag nail in the centerline of Jenks Road;

Thence N81°51'27"W, 303.85 along the centerline of Jenks Road to a new mag nail in the centerline intersection of Jenks and Green Level Church Roads;

Thence along the centerline of Green Level Church Road the following courses and distances:

1. Along the arc of a curve to the right, having a radius of 900.89 feet, an arc length of 111.75 feet, and a chord bearing and distance of N34°42'19"W, 111.68 feet to a new mag nail;
2. Along the arc of a curve to the right, having a radius of 880.73 feet, an arc length of 252.92 feet and a chord bearing and distance of N21°36'21"W, 252.05 feet to a new mag nail;
3. N13°18'37"W, 196.98 feet to a new mag nail; and
4. N12°02'38"W, 154.60 feet to a new mag nail;

Thence leaving the centerline of Green Level Church Road N77°57'22"E, 30.00 feet to the point and place of beginning, containing 823,040 square feet or 18.894 acres for the tract herein described.

Legal Description - Tract 2/Lot 3 BM 2014, Pg. 384-386

Beginning at an existing NCDOT right of way disc on the southern right of way of Jenks Road (SR 1601), said disc having NC grid, NAD 83 (2011) coordinates of Y(N): 729,622.35 and X(E): 2,031,811.59 and being the true point of beginning for the property herein described:

Thence S81°55'19"E, 131.38 feet along the southern right of way of Jenks Road to an existing NCDOT right of way disc on the western right of way of NC Highway 540;

Thence along the western right of way of NC Highway 540 the following courses and distances:

1. S09°16'13"W, 304.25 feet to an existing NCDOT right of way disc;
2. S05°39'21"W, 110.31 feet to an existing NCDOT right of way disc; and
3. S74°18'38"W, 168.88 feet to an existing NCDOT right of way disc on the northern right of way of Dominik court (formerly Green Level Church Road, SR 1600);

Thence S27°20'07"W, 30.00 feet to a new mag nail in the centerline of Dominik court;

Thence N62°39'53"W, 231.82 feet along the centerline of Dominik court to a new mag nail;

Thence N62°55'28"W, 176.19 feet along the centerline of Dominik court to a new mag nail;

Thence leaving the centerline of Dominik court N27°04'31"E, 29.72 feet to an existing iron pipe, a common corner with (now or formerly) the Town of Apex (DB 9991, Pg. 1308);

Thence N00°33'05"W, 49.68 feet along a common line with the Town of Apex to an existing iron pipe;

Thence N62°29'58"W, 69.96 feet along a common line with the Town of Apex to an existing iron pipe in the line of (now or formerly) Roy B. Miller (DB 2799, Pg. 154);

Thence N00°29'01"W, 235.19 feet along a common line with Miller to an existing iron pipe on the southern right of way of Jenks Road;

Thence S76°36'12"E, 59.39 feet along the southern right of way of Jenks Road to an existing NCDOT right of way disc;

Thence along the southern right of way of Jenks Road along the arc of a curve to the left having a radius of 2,080.00 feet, an arc length of 463.43 feet, and a chord bearing and distance of S88°03'21"E 462.48 feet to the point and place of beginning, containing 249,931 square feet or 5.738 acres for the tract herein described.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: _____

Submittal Date: _____

Provide a certified list of property owners subject to this application and all property owners within 300' of the subject property and HOA Contacts.

| Owner's Name | PIN |
|--|-----------|
| 1. KOBRA LLC | 732196422 |
| 2. KOBRA LLC | 733102211 |
| 3. PETERSON, ROBERT B | 733001248 |
| 4. HEY GROUP LLC | 733001594 |
| 5. SMITH, JOHN THOMAS SMITH, REAGAN E | 733003820 |
| 6. SEARS, JOHN B SEARS, ELIZABETH C | 733004132 |
| 7. MERSINGER, GLENN P MERSINGER, SHIRLEY C | 733007860 |
| 8. LAFORD, ARTHUR H | 733008519 |
| 9. CRAYCROFT, ROBERT S CRAYCROFT, LYNN S | 733100940 |
| 10. WELDON, JOHN WELDON, KRISTEL M | 733104932 |
| 11. JAINIX LLC | 733108855 |
| 12. SEARS, JOHN BRUCE SEARS, ELIZABETH C | 732097324 |
| 13. BRUHN, ANDREW YEPEZ, MELISSA | 732184749 |
| 14. CESPEDES, MERQUIADES N | 732186777 |
| 15. NC TURNPIKE AUTHORITY NC DEPT OF TRANSPRTATION | 732188735 |
| 16. EDNEY, SUZANNE S | 732190294 |
| 17. MILLER, ROY B | 732192507 |
| 18. APEX TOWN OF | 732193336 |
| 19. CESPEDES, MERQUIADES JR | 732194101 |
| 20. CESPEDES, MERQUIADES | 732195021 |
| 21. JAINIX LLC | 732198808 |

I, Arnaldo Echevarria, PE, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

Date: 2/27/2020

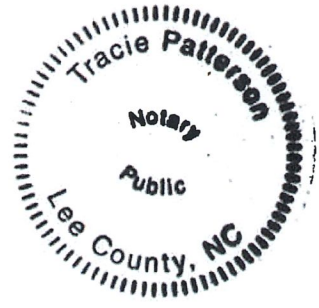
By: *Arnaldo Echevarria*

COUNTY OF ~~WAKE~~ Lee STATE OF NORTH CAROLINA

Sworn and subscribed before me, Tracie Patterson, a Notary Public for the above State and County, on this the 27th day of February, 2020.

Tracie Patterson
 Notary Public
Tracie Patterson
 Print Name

SEAL



My Commission Expires: 4-17-22

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: _____

Submittal Date: _____

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500*

Purpose

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

Guidelines

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

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

Existing Development Titles, Recurring

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

*excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: _____

Submittal Date: _____

Proposed Subdivision/Development Information

Description of location: _____

Nearest intersecting roads: JENKS Rd and GREEN LEVEL church RD.

Wake County PIN(s): 0733-10-2211 and 0732-17-6422

Township: Apex

Contact Information (as appropriate)

Contact person: TIM LENGEN

Phone number: 919-309-6637 Fax number: _____

Address: 1100 PERIMETER PARK DR., SUITE 112, MORRISVILLE, NC 27560

E-mail address: TIM.LENGEN@LENNAR.COM

Owner: KOBRA LLC

Phone number: _____ Fax number: _____

Address: 117 WOODLAND RIDGE DR., FURQUAY-VARINA, NC 27526

E-mail address: _____

Proposed Subdivision/Development Name

1st Choice: KOBRA

2nd Choice (Optional): NA

Town of Apex Staff Approval:

Town of Apex Planning Department Staff

Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: _____ Submittal Date: _____

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

KUBA TRACTS

(the "Premises")

The Town of Apex offers to provide you with electric utilities on the terms described in this Offer & Agreement. If you accept the Town's offer, please fill in the blanks on this form and sign and we will have an Agreement once signed by the Town.

LENMAR CAROLINAS, LLC the undersigned customer ("Customer") hereby irrevocably chooses and selects the Town of Apex (the "Town") as the permanent electric supplier for the Premises. Permanent service to the Premises will be preceded by temporary service if needed.

The sale, delivery, and use of electric power by Customer at the Premises shall be subject to, and in accordance with, all the terms and conditions of the Town's service regulations, policies, procedures and the Code of Ordinances of the Town.

Customer understands that the Town, based upon this Agreement, will take action and expend funds to provide the requested service. By signing this Agreement the undersigned signifies that he or she has the authority to select the electric service provider, for both permanent and temporary power, for the Premises identified above.

Any additional terms and conditions to this Agreement are attached as Appendix 1. If no appendix is attached this Agreement constitutes the entire agreement of the parties.

Acceptance of this Agreement by the Town constitutes a binding contract to purchase and sell electric power.

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

Upon acceptance of this Agreement, the Town of Apex Electric Utilities Division will be pleased to provide electric service to the Premises and looks forward to working with you and the owner(s).

ACCEPTED:

CUSTOMER: LENMAR CAROLINAS, LLC

TOWN OF APEX

BY: Joseph P. Conlan
Authorized Agent

BY: _____
Authorized Agent

DATE: 2/27/20

DATE: _____

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

KOBRA LLC is the owner* of the property for which the attached application is being submitted:

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

The property address is: 7500 GREEN LEVEL CHURCH RD & 7501 JENKS RD

The agent for this project is: WithersRavenel

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

Agent Name: WithersRavenel

Address: 137 S. Wilmington Street, Suite 200, Raleigh, NC 27601

Telephone Number: 919.469.3340

E-Mail Address: bvega@withersravenel.com

Signature(s) of Owner(s)*

S.R. Jewett
Susan R. Jewett
Type or print name

2/27/2020
Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: _____

Submittal Date: _____

The undersigned, Kobra, LLC (Susan R. Jewett) (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 7500 Green Level Church Rd & 7501 Jenks Rd, Apex, NC and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 11/14/2000, and recorded in the Wake County Register of Deeds Office on 11/22/2000, in Book 008739 Page 01293.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 11/14/2000, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/14/2000, 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 27 day of February, 2020.

S R Jewett

(seal)

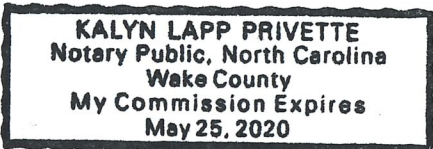
SUSAN RAWLING JEWETT

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 SUSAN JEWETT, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's DL, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

Kalyn Lapp Privette

Notary Public

State of North Carolina

My Commission Expires: MAY 25, 2020

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.

02.13.2020

Date

Dear Neighbor:

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

7500 GREEN LEVEL CHURCH RD & 7501 JENKS RD

0733102211 & 0732196422

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. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at www.apexnc.org.

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 | Town Council (QJPH*) |
| <input type="checkbox"/> Special Use Permit | Town Council (QJPH*) |
| <input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions) | Technical Review Committee (staff) |

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

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

The referenced parcels are currently zoned Rural Residential (RR). The proposed rezoning requests that the parcels be zoned Planned Unit Development Conditional District (PUD-CZ).

Estimated submittal date: 03.02.2020

MEETING INFORMATION:

Property Owner(s) name(s): Kobra LLC

Applicant(s): WithersRavenel

Contact information (email/phone): 919.469.3340 / bvega@withersravenel.com

Meeting Address: 6175 Old Jenks Road, Apex, NC 27523

Date of meeting**: 02.13.2020

Time of meeting**: 6:00pm

MEETING AGENDA TIMES:

Welcome: 6:00pm Project Presentation: 6:10pm Question & Answer: 6:40pm

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

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: Kobra Tracts Zoning: RR (requesting PUD)
 Location: 7500 GREEN LEVEL CHURCH RD & 7501 JENKS RD
 Property PIN(s): 0733102211 & 0732196422 Acreage/Square Feet: 18.21 & 5.46

Property Owner: KOBRA LLC
 Address: 117 Woodland Ridge Drive
 City: Fuquay-Varina State: NC Zip: 27526
 Phone: _____ Email: _____

Developer: Lennar
 Address: 1100 Perimeter Park Drive
 City: Morrisville State: NC Zip: 27560
 Phone: 919.337.0235 Fax: _____ Email: tim.lengen@lennar.com

Engineer: WithersRavenel
 Address: 137 S Wilmington Street, Suite 200
 City: Raleigh State: NC Zip: 27601
 Phone: 919.469.3340 Fax: 919.467.6008 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 Department Main Number (Provide development name or location to be routed to correct planner) | (919) 249-3426 |
| Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner | (919) 249-7468 |
| Public Works - Transportation Russell Dalton, Senior Transportation Engineer | (919) 249-3358 |
| Water Resources Department Mike Deaton, Stormwater & Utility Engineering Manager Stan Fortier, Senior Engineer (Sedimentation & Erosion Control) | (919) 249-3413 (919) 249-1166 |
| 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 1st and 3rd Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

Noise & Hours of Construction: Non-Emergency Police 919-362-8661

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

Construction Traffic: James Misciagno 919-372-7470

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

Road Damage & Traffic Control: Water Resources – Infrastructure Inspections 919-362-8166

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

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

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

Dirt in the Road: James Misciagno 919-372-7470

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

**Dirt on Properties or in Streams: James Misciagno 919-372-7470
Danny Smith Danny.Smith@ncdenr.gov**

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

Dust: James Misciagno 919-372-7470

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

Trash: James Misciagno 919-372-7470

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

Temporary Sediment Basins: James Misciagno 919-372-7470

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

Stormwater Control Measures: Mike Deaton 919-249-3413

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Mike Deaton at 919-249-3413.

Electric Utility Installation: Rodney Smith 919-249-3342

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

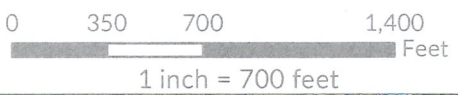


Vicinity Map




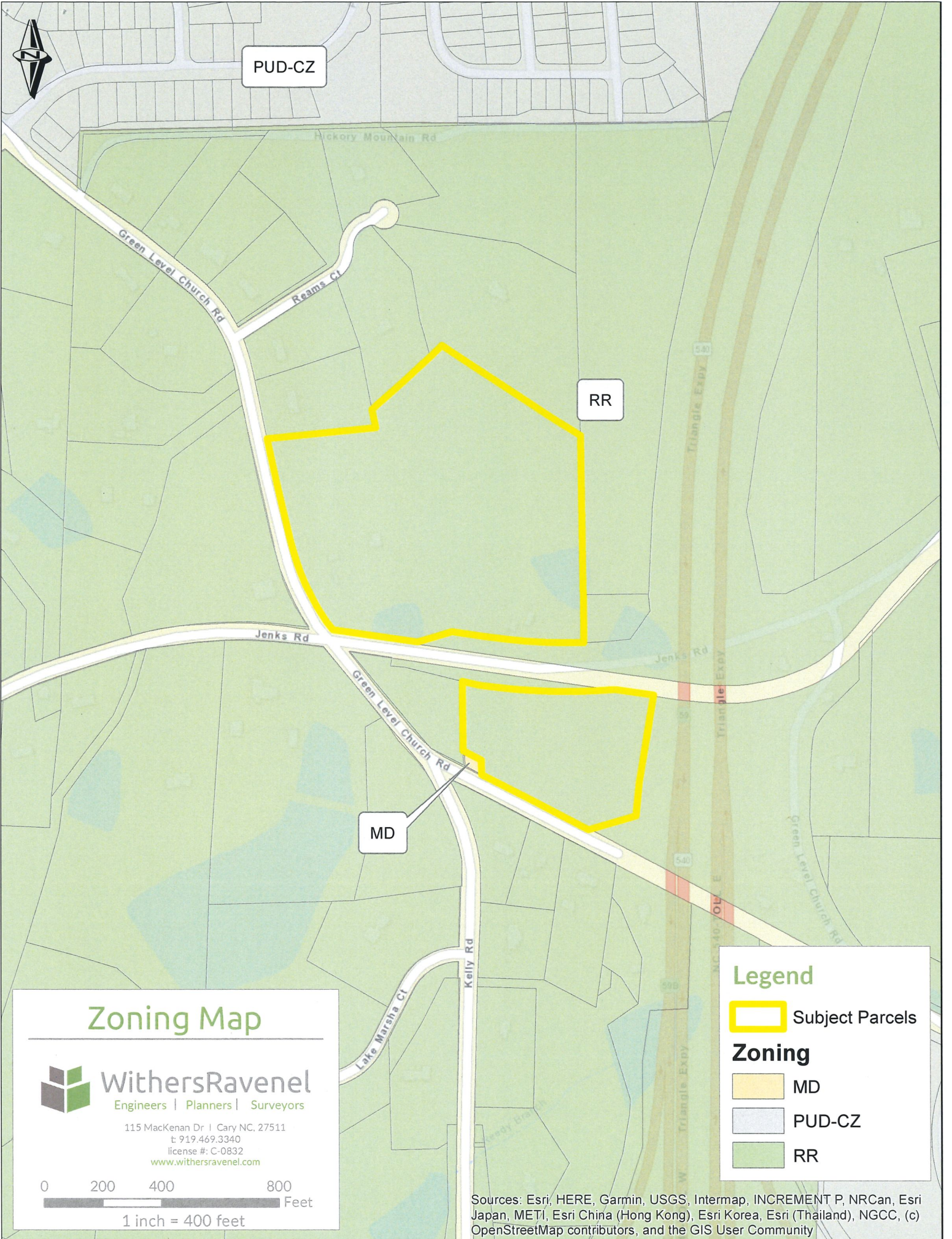
WithersRavenel
Engineers | Planners | Surveyors

115 MacKenan Dr | Cary NC, 27511
t: 919.469.3340
license #: C-0832
www.withersravenel.com



Legend

 Subject Parcels




PUD-CZ


RR


MD


Legend

 Subject Parcels

Zoning

 MD

 PUD-CZ

 RR

Zoning Map



WithersRavenel
Engineers | Planners | Surveyors

115 MacKenan Dr | Cary NC, 27511
t: 919.469.3340
license #: C-0832
www.withersravenel.com

0 200 400 800 Feet
1 inch = 400 feet

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Neighborhood Meeting

Date: 2/13/2020, at 6:00pm

Project: KOBRA Tracts Rezoning

Development Team: Tim Lengen, Land Entitlement Manager (Lennar Corporation – Raleigh Division)
Brendie Vega, Director of Planning (WithersRavenel, Inc.)
Arnaldo Echevarria, P.E., Project Manager (WithersRavenel, Inc.)

Attendees: The neighbors listed on the attendance sheet attached as **Exhibit A**.

- 1) **Introduction.** The meeting started at 6:00 pm, with an introduction of the development team by Brendie Vega, a description of the site, and an overview of the petition for Rezoning from RR to PUD-CZ. Ms. Vega then explained the intent to develop the site (Lot 2) with approximately 60 Townhomes, how the petition is consistent with the Future Land Use Map, the typical Town of Apex Rezoning Process and timeline. Ms. Vega clarified that the application included Lot 3 South of Jenks Road, to be rezoned for about 40,000 square-foot GFA to allow for commercial use, but not to be developed by Lennar. Ms. Vega also explained that this was a preliminary meeting and that the applicant had not yet filed the rezoning petition. The materials on display easels included:
 - a) Vicinity Map;
 - b) Existing Zoning Map;
 - c) Future Land Use Map;
 - d) Town of Apex Thoroughfare and Street Plan.
- 2) **Background of Developer.** Mr. Lengen provided a brief history on Lennar and their goals for the Apex market, a brief description of the proposed building types, and how the site is intended to be developed.
- 3) **Roadways and Traffic.** A neighbor asked about the ultimate R/W of Green Level Church Road (GLC), and whether or not the entire ultimate R/W width needed to be dedicated in full now. The team responded that the proposed development will dedicate the portion of the R/W that the site is responsible for, as half the ultimate measured from the existing centerline. Another neighbor commented on the existing traffic congestion of the area during the morning hours due to Green Level High School, and was concerned the project will make it worse. The team advised that due to the relatively low number of units proposed compared to other developments in the vicinity, the impact if any was going to be minimum, and that the road is planned to be improved to 3 lanes in the future. Another neighbor asked about the location of the proposed entrance to the site. The team responded that, there will be one entrance on Jenks Road and another one on Green Level Church Road, and that both entrances will be located approximately 500 to 600 feet from the intersection of Jenks Road and Green Level Church Road on both roads.

The team mentioned the Town of Apex Thoroughfare and Collector Street Plan includes a Roundabout at the intersection of GLC and Jenks, but that a traffic signal is going to be installed as part of a nearby development. Some neighbors didn't think the signal was the best option for the current traffic situation, but were advised that the development may actually provide some relieve due to the added street connection from Jenks to GLC Rd.

- 4) **Buildings**. A neighbor asked about square footage, home prices, and whether or not they include garages. Mr. Lengen estimated the proposed square footage to be between 1,800 to 2,000 square feet and around \$300,000.
- 5) **Stormwater Management**. A neighbor said he was concerned about the development affecting the existing ditch that conveys runoff from Green Level Church Road along the northern property line of the site. Mr. Echevarria discussed how the drainage from the road will continue to be safely conveyed and that the development will incorporate stormwater control measure(s) to address the site development and the added impervious, while maintaining the existing drainage patterns to the maximum extent practicable.
- 6) **Environment**. One neighbor asked about the chances of the existing ponds remaining. Mr. Lengen responded that the project's environmental consultant is in the process of obtaining a buffer determination and potentially a permit to drain the one closest to the intersection of Jenks Road and Green Level Church Road. The team also mentioned that the development will be taking place on the west side of the property, due to the larger of the two existing ponds remaining and the stream that runs north from it. Mr. Echevarria stated that the USACE would have a hard time approving a stream crossing to the east for a road that will not connect to an existing stub, and that the eastern area of the site will remain as Resource Conservation Area (RCA).
- 7) **Utilities**. Lastly the Team mentioned the sewer will be served by connecting to the existing system north of the site, part of the Greenmoor subdivision, and that electric will be provided by Apex Power.

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: 6175 Old Jenks Road, Apex, NC 27523

Date of meeting: 02.13.2020 Time of meeting: 6:00 pm

Property Owner(s) name(s): Kobra LLC

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.

| | NAME/ORGANIZATION | ADDRESS | PHONE # | EMAIL | SEND PLANS & UPDATES |
|-----|-----------------------------|---------------------|---------|-------|----------------------|
| 1. | Robert Lafay | 7529 Green Larch Rd | | | |
| 2. | Bruce Sears | 7605 Jenks Rd | | | |
| 3. | Elizabeth Sears | 7605 Jenks Rd | | | |
| 4. | Dolores Nelson | 7624 Ream Ct | | | |
| 5. | Glenn Mursinger | 7528 Green Larch Rd | | | |
| 6. | Bob Craycroft | 7616 Reams Ct | | | |
| 7. | Lynn Craycroft | " | | | |
| 8. | Joey Withers | 3617 Jenks Rd | | | |
| 9. | Ruth Willenborg | 7617 Jenks Rd | | | |
| 10. | BOBBY JAIN (JAINIX, LLC) | 1012 TIMBER MIST CT | | | |
| 11. | | | | | |
| 12. | | | | | |
| 13. | | | | | |
| 14. | | | | | |

Use additional sheets, if necessary.

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| | NAME/ORGANIZATION | ADDRESS | PHONE # | EMAIL | SEND PLANS & UPDATES |
|-----|-------------------------|--------------------------|---------|-------|----------------------|
| 1. | DEBBIE WILKINSON LAFORD | 7524 GREEN LEVEL CH. RD. | | | ✓ |
| 2. | ARTHUR LAFORD | " " " | | | ✓ |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
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| 12. | | | | | |
| 13. | | | | | |
| 14. | | | | | |

Use additional sheets, if necessary.

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, Arnaldo Echevarria, P.E., do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, 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 Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at 6175 Old Jenks Road, Apex, NC 27523 (location/address) on 02.13.2020 (date) from 6:00pm (start time) to 8:00pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

2/27/2020

Date

By: Arnaldo Echevarria

STATE OF NORTH CAROLINA
COUNTY OF WAKE Lee

Sworn and subscribed before me, Tracie Patterson, a Notary Public for the above State and County, on this the 27th day of February, 20 20.

SEAL



Tracie Patterson
Notary Public
Tracie Patterson
Print Name

My Commission Expires: 4-17-22

Planned Unit Development Plan

KOBRA TRACTS

Apex, North Carolina

Revision Date: 9-8-2020

Prepared for The Town of Apex

Applicant

Lennar Corporation – Raleigh Division

1100 Perimeter Park Drive, Suite 112

Morrisville, NC 27560

Property Owner

KOBRA LLC

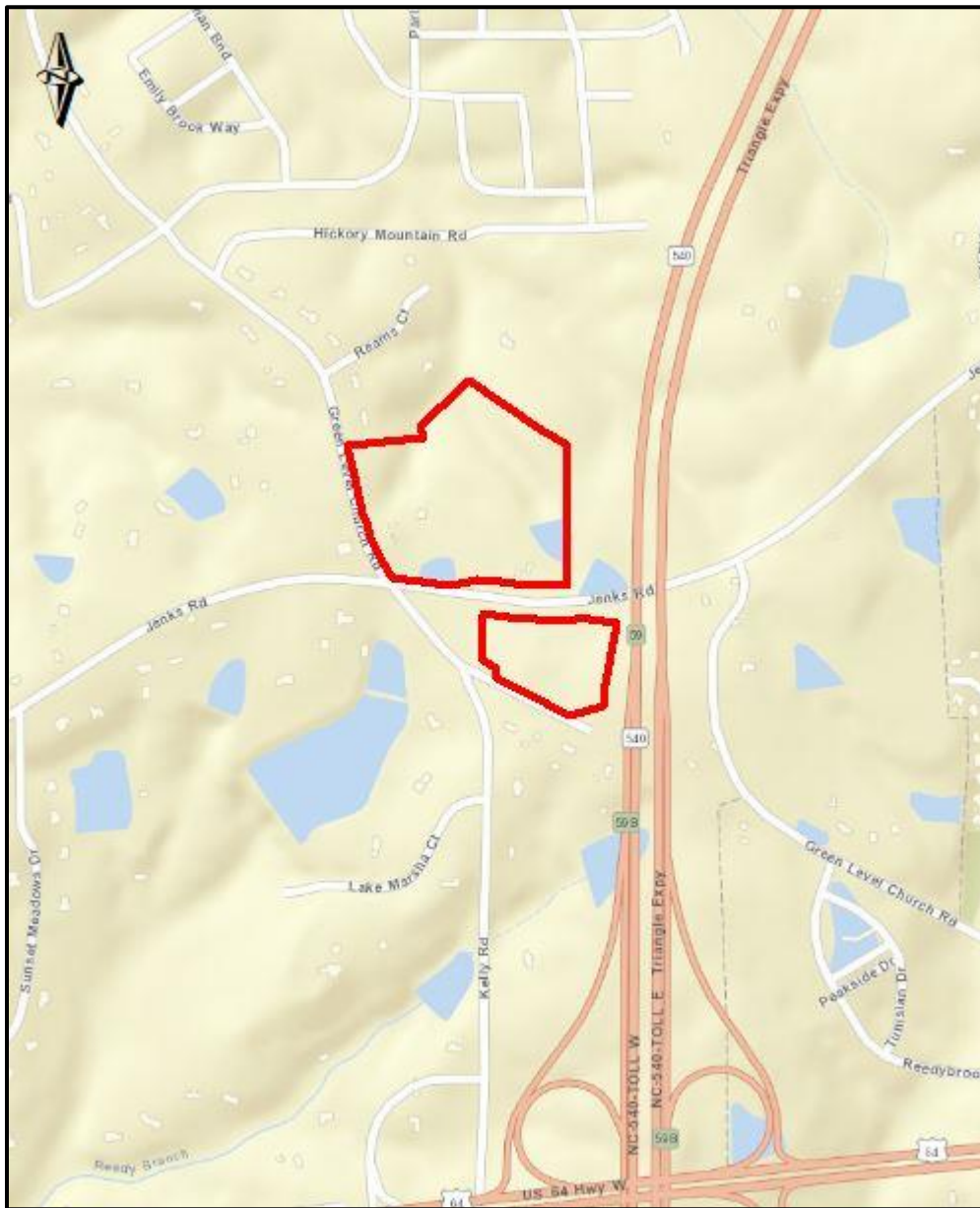
117 Woodland Ridge Drive

Fuquay-Varina, NC 27526

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2.0 VICINITY MAP



Project Parcels: Not to Scale

137 S Wilmington Street, Suite 200 | Raleigh, NC 27601

t: 919.469.3340 | f: 919.467.6008 | www.withersravenel.com | License No. C-0832

Asheville | Cary | Greensboro | Pittsboro | Raleigh | Wilmington

3.0 PROJECT DATA

| | | |
|--|---|---|
| Name of Project | KOBRA Tracts | |
| PIN(s) | 0733102211 0732196422 | |
| Preparer/Owner Information | Prepared by | WithersRavenel 137 S. Wilmington Street, Suite 200 Raleigh, NC 27601 Phone: 919.469.3340 Fax: 919.467.6008 Email: bvega@withersravenel.com |
| | Owner | KOBRA LLC 117 Woodland Ridge Drive Fuquay-Varina, NC 27526 |
| Current Zoning Designation | Rural Residential (RR) | |
| Proposed Zoning Designation | Planned Unit Development (PUD-CZ) | |
| Current 2045 Land Use Map Designation | Med. Density Residential/Office Employment & Mixed-Use: High Density Residential/Office Employment/Commercial Services | |
| Proposed 2045 Land Use Map Designation | No Proposed Change | |
| Area of Tracts | 18.21 ac & 5.46 ac (Total 23.67 ac) | |
| Area designated as Mixed-Use on 2045 Land Use Map | 5.46 ac | |
| Area of Mixed-Use Property Proposed as Non-Residential Development | 5.46 ac | |
| Percent of Mixed-Use Areas Proposed as Non-Residential Development | 100% | |

4.0 PROPOSED LIST OF USES

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.

Residential

- Single-Family
- Townhouse
- Townhouse, Detached

Non-Residential

- Utility, Minor
- Greenway
- Park, Active
- Park, Passive
- Office, Business or Professional
- Restaurant, General
- Medical or Dental Office or Clinic
- Medical or Dental Laboratory
- Hotel or Motel
- Artisan Studio
- Barber and Beauty Shop
- Pet Services
- Studio for Art
- Tailor Shop
- Microbrewery
- Microdistillery
- Retail Sales, General
- Grocery, Specialty
- Book Store
- Financial Institution
- Floral Shop
- Funeral Home
- Kennel
- Newsstand or Gift Shop
- Personal Service
- Pharmacy
- Printing and Copying Service
- Real Estate Sales

5.0 PURPOSE STATEMENT-PLANNED UNIT DEVELOPMENT STANDARDS

The KOBRA Tracts Conceptual Layout has been carefully designed in order to help establish appropriately-sized residential and non-residential land uses strategically along major thoroughfares. With the Town of Apex expanding, intentional development along the 540 corridor will help the nearby areas grow in a purposeful manner according to the concepts laid out in the Advance Apex Future Land Use Plan. The site will provide a mixture of residential options and non-residential uses that will set the tone for corridor development in northwest Apex. This elegant mixture of uses will create a live/work environment that will promote walkability and serve as an anchor for strategic, intentional development.

6.0 PROPOSED DESIGN CONTROLS

| | | | |
|---|--|---------------------|--------------|
| Maximum Square Footage per Non-Residential Use | 39,000 sq. ft. | | |
| Maximum Densities per Residential Use (du/Acre) | 3 du/acre (70 du total) | | |
| Maximum Height of Buildings | Residential – 32 feet | | |
| | Non-residential - 48 feet | | |
| Minimum Residential Setbacks | Front: 5' from façade 19' from garage to lot line 20' from garage to back of sidewalk | Side: 5' | Rear: 10' |
| | | Corner Side: 10' | |
| Non-Residential Setbacks | Front: 20' | Side: 10' | Rear: 20' |
| | | Corner Side: 10' | |
| Amount and Percentage of Built Upon Area Allowed | 70% | | |
| Amount and Percentage of Proposed Built Upon Area (Max) | 16.57 Acres, 70% | | |

Buffers shall be designated as such:

| | |
|---|----------------------|
| Northern Parcel (PIN #0733102211) | |
| North | 10' Type B Buffer |
| East | 10' Type B Buffer |
| South | 30' Type B Buffer |
| West | 30' Type B Buffer |
| Southern Parcel (PIN #0732196422) | |
| North | 30' Type E Buffer |
| West | 20' Type B Buffer |
| South | 20' Type B Buffer |
| East | 100' Type A Buffer** |
| **May be reduced to 50' Type A Buffer per UDO Section 8.2.6 | |

A 30 ft. wide minimum cross access easement will be provided from PIN#0733102211 to PIN# 0732198808 in order to provide an access point for the parcel through a driveway at Jenks Road. In the event that the driveway extends to the main entrance of the subdivision on Jenks Road, the buffer will be reduced to no less than 15' to accommodate the access easement.

7.0 PROPOSED RESIDENTIAL ARCHITECTURAL CONTROLS

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All townhomes shall have a raised foundation which at a minimum rises at least 12 inches from average grade across the front of the house to the finished floor level at the front door.
3. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
4. Garage doors must have windows, decorative details or carriage-style adornments on them.
5. Entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
6. Building facades shall have horizontal relief achieved by the use of recesses and projections.
7. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.

8. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
9. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap-around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gables
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
10. The Residential dwelling units will be provided with solar conduit to accommodate the future installation of solar panels.

8.0 PROPOSED NON-RESIDENTIAL ARCHITECTURAL CONTROLS

1. The predominant exterior building materials shall be brick, wood, stone, and tinted/textured concrete masonry units.
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

All parking provided on the Site will comply with the requirements outlined in Section 8.3 of the Town of Apex Unified Development Ordinance.

10.0 SIGNAGE

All signage on the Site will comply with the requirements outlined in Section 8.7 of the Town of Apex Unified Development Ordinance.

11.0 NATURAL RESOURCE AND ENVIRONMENTAL DATA

The KOBRA Tracts Site is located within the Primary Watershed Protection Overlay District and is therefore subject to the requirements outlined in Section 6.1 of the Town of Apex Unified Development Ordinance.

The parcels that make up the Site do not contain FEMA designated 100-year floodplains according to FEMA FIRM Panels 3720073300J and 3720073200J, effective 05/02/2006.

The Site is also subject to the Resource Conservation Area requirements outlined in Section 8.1 of the Town of Apex Unified Development Ordinance.

- 5.92 acres (25% of gross site acreage) required for the Resource Conservation Area
- 6.0 acres (25.35% of gross site acreage) of Resource Conservation Area provided.

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.

According to the North Carolina Historic Preservation Office's HPOWEB 2.0 Mapping application, there are no historic structures contained on the Site.

12.0 STORMWATER MANAGEMENT REQUIREMENTS

The parcels on which the development is proposed upon currently consist of a few existing structures, some cleared lands, and wooded lands. Two ponds exist on the northern parcel, and drain to Clark Branch Creek and Reedy Branch Creek, eventually feeding into Jordan Lake. The proposed development plan will require stormwater management measures in accordance with Sections 6.1 and 7.5.7 in the Town of Apex Unified Development Ordinance. Stormwater captured on the Site will be conveyed to proposed Stormwater Control Measures, which will be identified on plans during the master subdivision or site plan approval stage. Post-development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year and 10-year storm events in accordance with the Unified Development Ordinance. Treatment for the first 1-inch of runoff will be provided such that the removal of 85% Total Suspended Solids is achieved. All stormwater devices will meet the design requirements of NCDENR and the Town of Apex.

13.0 PARKS, RECREATION AND CULTURAL ADVISORY COMMISSION REVIEW

At the June 24, 2020 meeting, the PRCAC recommended a fee-in-lieu of \$2,321.54 per unit to be paid at the time of the first final subdivision plat.

14.0 PUBLIC FACILITIES REQUIREMENTS

All utilities shall meet the Town of Apex Master Utility Maps.

Sanitary Sewer Service

All on-site sanitary sewer lines will be designed according to Town of Apex Engineering Standards and Specifications. Easements will be established for public sewer outside of Public R/W.

Sanitary Sewer will be established upon the site and will tie into an existing manhole at the southern end of the Greenmoor Subdivision via an offsite sewer outfall to be within a Town of Apex utility easement. Potable water will be established upon the site and tie to the existing lines along Green Level Church Road and Jenks Road.

Water Service

All on-site water lines will be designed according to Town of Apex Engineering Standards and Specifications.

Gas & Electric Service

The Public Service Company of North Carolina (PSNC) will require a revenue analysis based on the proposed development in order to determine the applicable costs to the developer for installation of infrastructure.

The Site is in the service area of both the Town of Apex Electric Utilities and Progress Energy.

Roadways

The Site will require an internal public roadway network and parking spaces. The onsite transportation circulation system shall be consistent with the Town of Apex Transportation Plan and the Town of Apex Standard Specifications and Standard Details. Frontage improvements

along Jenks Road & Green Level Church Road have been identified during the pre-application correspondence and will be incorporated into the design, subject to approval by the Town of Apex & NCDOT.

Phase 1 roadway improvements are as follows:

- i. Developer shall dedicate public right-of-way along Green Level Church Road based on a minimum of half of a 4-lane, 110' right-of-way section and construct a 5' paved shoulder along the frontage within Phase 1.
- ii. Developer shall construct a southbound left turn lane on Green Level Church Road at Jenks Road with at least 150' of storage and adequate taper & deceleration lengths per NCDOT standards.
- iii. Developer shall construct a southbound left turn lane on Green Level Church Road at proposed site access with at least 50' of storage and adequate taper & deceleration lengths per NCDOT standards. This access shall be located a minimum of 500 feet from Jenks Road.
- iv. Developer shall dedicate public right-of-way along Jenks Road based on a minimum of half of a 3-lane, 80' right-of-way section and construct a 5' paved shoulder along the frontage within Phase 1. Jenks Road improvements shall include the extension of the existing two-way left turn lane from west of the NC 540 bridge to the intersection with Green Level Church Road. The access points for Phase 1 and Phase 2 shall align across from each other and be located a minimum of 500 feet from Green Level Church Road.
- v. Developer shall coordinate with traffic signal installation by others at the intersection of Green Level Church Road at Jenks Road if not already installed by the time this development plan moves forward. Developer is responsible for plan revisions and modifications to the traffic signal to accommodate roadway improvements associated with Phase 1 and Phase 2.
- vi. Developer shall dedicate additional right-of-way along the project frontage to accommodate a roundabout based on the preliminary layout on file with the Town (designed as part of the Westford development zoning conditions) if not removed from the Transportation Plan prior to subdivision plan approval.

Phase 2 roadway improvements are as follows:

- i. Developer shall not propose access to Dominik Court until either one of the following conditions is met:
 - a. Dominik Court is realigned southward to provide an approximate right-angle intersection with Kelly Road approximately 700-800' south of Jenks Road, and a southbound left turn lane is provided on Kelly Road at Dominik Court with a minimum of 100' of storage plus deceleration and taper according to NCDOT standards.
 - b. A public street connecting Dominik Court to Jenks Road is constructed and Dominik Court is converted to a right-in/right-out access at Kelly Road.

Transit

According to the Advance Apex 2045 Transportation Plan, there are no existing or proposed transit routes designated on or adjacent to the Site.

Pedestrian Facilities

According to the Advance Apex 2045 Plan, sidewalks are planned along both Green Level Church Road and Jenks Road. The development plan will incorporate sidewalk infrastructure along both streets as well as the internal street network, and thus is in compliance with the future land use plan.

Phase 1 pedestrian facility improvements are as follows:

- i. Developer shall construct a 10' side path on the east side of Green Level Church Road along the frontage within Phase 1.
- ii. Developer shall construct a 5' sidewalk on the north side of Jenks Road along the frontage within Phase 1.

Phase 2 pedestrian facility improvements are as follows:

- i. Developer shall construct a 10' side path on the south side of Jenks Road along the frontage within Phase 2.
- ii. Developer shall construct an extension of the 10' side path located on the south side of Jenks Road from Phase 2 to the intersection of Jenks Road and Green Level Church Road and design and install a signalized crosswalk across Jenks Road at the traffic signal. 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 if easement or right-of-way cannot be secured prior to completion of the first CO within Phase 2. Any performance guarantee provided for this section of side-path shall be released upon acceptance of said fee-in-lieu by the Town.

- iii. Developer shall improve the north side of Dominik Court along the frontage of Phase 2 based on a minimum 27' b-b curb and gutter roadway with 5' sidewalk.

Education

Wake County Public Schools Long Range Planning has verified the following base schools for this future residential area:

| Base School | Enrollment Cap | Student Overflow School |
|----------------------|----------------|-------------------------|
| White Oak Elementary | Yes | Davis Drive Elementary |
| Mills Park Middle | Yes | West Cary Middle |
| Green Level High | No | |

The Apex Friendship Elementary School on Humie Olive Road is expected to open in August 2022.

15.0 PHASING PLAN

KOBRA Tracts development will be constructed in phases according to economic considerations and infrastructure requirements. The residential section of the site will be developed as a standalone phase separate from the commercial section. Phase 1 and phase 2 improvements shall be constructed as described in the previous section.

Please note the following considerations for the phasing plan:

1. Access points are preliminary in nature and subject to Town of Apex and NCDOT review and approval.
2. Limits of land disturbance within each phase shall be determined at the master subdivision plan and site plan stages.
3. Public utilities shall be provided for each phase of development.

16.0 CONSISTENCY WITH 2045 LAND USE PLAN

The Advance Apex 2045 Future Land Use Map depicts the future land use of the northern parcel as a mixture of Medium Density Residential and Office Employment. Medium Density Residential lands are described in the Land Use Plan as consisting of single-family homes, duplexes, and townhomes with densities between three (3) and seven (7) dwelling units per acre. It is intended to act as a transition between higher and lower residential densities. The Office Employment land use is described as allowing for a wide range of businesses that provide professional, managerial, or administrative services. The plan also states that Office Employment lands should match the scale and character of their surroundings.

The southern parcel is made up of High Density Residential, Office Employment and Commercial Service designations, as well as being considered a Mixed-Use land classification. High Density Residential land is described as providing housing options located in close proximity to major commercial areas or corridors, and includes townhomes, triplexes, quadplexes and apartments at densities greater than 14 dwelling units per acre. Similar to Office Employment, Commercial Services land is described as match the scale and character of its surroundings. These lands are designated to supply commercial services and conveniences. Being within a Mixed-Use portion of land, the site is required to have greater than or equal to 30 percent of its development be related to non-residential uses.

Overall, the KOBRA Tracts Site proposes medium density residential housing options appropriate to its proximity to major thoroughfares, as well as establishing a healthy mixture of non-residential space to nurture a live/work environment in northwestern Apex. Uses proposed for the site are directly in line with the uses declared in the Future Land Use Plan.

17.0 CONSISTENCY WITH UNIFIED DEVELOPMENT ORDINANCE

The proposed development is consistent with all applicable requirements of the Town of Apex Unified Development Ordinance. To this extent, it is worth noting that the development will not supply stub streets on the eastern termination of the residential section of the project per the text of the following section:

- 7.2.1.A.2.c.iii - Where severe topography or other physical features exist, the Planning Director in conjunction with the Stormwater and Utility Engineering Manager, may determine that a stub street is not required.

Due to the environmental impact of the potential connection to the eastern parcel, it is requested that no stub be required at this location.

18.0 ELEVATIONS

Please see the following pages for typical elevations illustrative of the proposed residential building.

19.0 AFFORDABLE HOUSING

If the Town of Apex has a fund or other mechanism in place to receive donations to construct, subsidize, or participate in the development of affordable housing units (the “Fund”), the developer will contribute \$15,000 to this Fund prior to the first residential Certificate of Occupancy. In the event the Fund has not been established by the Town of Apex, the money will be conveyed to a non-profit organization participating in affordable housing. The developer will work with the Town of Apex to identify a mutually acceptable non-profit organization to receive these funds.

PLANNED UNIT DEVELOPMENT KOBRA TRACTS

TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

1ST SUBMITTAL: MARCH 2, 2020 2ND SUBMITTAL: JULY 10, 2020 3RD SUBMITTAL: AUGUST 14, 2020

CASE #: 20CZ04

PUD | KOBRA
WR PROJECT NO. 0218110.1

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| CONCEPTUAL LAYOUT PLAN | 2.0 |
| PRELIMINARY PHASING PLAN | 3.0 |
| PRELIMINARY UTILITY PLAN | 4.0 |
| STORMWATER MANAGEMENT PLAN | 5.0 |

ZONING CONDITIONS

PHASE 1 IMPROVEMENTS

- DEVELOPER SHALL DEDICATE PUBLIC RIGHT-OF-WAY ALONG GREEN LEVEL CHURCH ROAD BASED ON A MINIMUM OF HALF OF A 4-LANE, 110' RIGHT-OF-WAY SECTION AND CONSTRUCT A 5' PAVED SHOULDER ALONG THE FRONTAGE WITHIN PHASE 1.
- DEVELOPER SHALL CONSTRUCT A SOUTHBOUND LEFT TURN LANE ON GREEN LEVEL CHURCH ROAD AT JENKS ROAD WITH AT LEAST 150' OF STORAGE AND ADEQUATE TAPER & DECELERATION LENGTHS PER NCDOT STANDARDS.
- DEVELOPER SHALL CONSTRUCT A SOUTHBOUND LEFT TURN LANE ON GREEN LEVEL CHURCH ROAD AT PROPOSED SITE ACCESS WITH AT LEAST 50' OF STORAGE AND ADEQUATE TAPER & DECELERATION LENGTHS PER NCDOT STANDARDS. THIS ACCESS SHALL BE LOCATED A MINIMUM OF 500 FEET FROM JENKS ROAD.
- DEVELOPER SHALL CONSTRUCT A 10' SIDE PATH ON THE EAST SIDE OF GREEN LEVEL CHURCH ROAD ALONG THE FRONTAGE WITHIN PHASE 1.
- DEVELOPER SHALL DEDICATE PUBLIC RIGHT-OF-WAY ALONG JENKS ROAD BASED ON A MINIMUM OF HALF OF A 3-LANE, 80' RIGHT-OF-WAY SECTION AND CONSTRUCT A 5' PAVED SHOULDER ALONG THE FRONTAGE WITHIN PHASE 1. JENKS ROAD IMPROVEMENTS SHALL INCLUDE THE EXTENSION OF THE EXISTING TWO-WAY LEFT TURN LANE FROM WEST OF THE NC 540 BRIDGE TO THE INTERSECTION WITH GREEN LEVEL CHURCH ROAD. THE ACCESS POINTS FOR PHASE 1 AND PHASE 2 SHALL ALIGN ACROSS FROM EACH OTHER AND BE LOCATED A MINIMUM OF 500 FEET FROM GREEN LEVEL CHURCH ROAD.
- DEVELOPER SHALL CONSTRUCT A 5' SIDEWALK ON THE NORTH SIDE OF JENKS ROAD ALONG THE FRONTAGE WITHIN PHASE 1.
- DEVELOPER SHALL COORDINATE WITH TRAFFIC SIGNAL INSTALLATION BY OTHERS AT THE INTERSECTION OF GREEN LEVEL CHURCH ROAD AT JENKS ROAD IF NOT ALREADY INSTALLED BY THE TIME THIS DEVELOPMENT PLAN MOVES FORWARD. DEVELOPER IS RESPONSIBLE FOR PLAN REVISIONS AND MODIFICATIONS TO THE TRAFFIC SIGNAL TO ACCOMMODATE ROADWAY IMPROVEMENTS ASSOCIATED WITH PHASE 1 AND PHASE 2.
- DEVELOPER SHALL DEDICATE ADDITIONAL RIGHT-OF-WAY ALONG THE PROJECT FRONTAGE TO ACCOMMODATE A ROUNDABOUT BASED ON THE PRELIMINARY LAYOUT ON FILE WITH THE TOWN (DESIGNED AS PART OF THE WESTFORD DEVELOPMENT ZONING CONDITIONS) IF NOT REMOVED FROM THE TRANSPORTATION PLAN PRIOR TO SUBDIVISION PLAN APPROVAL.

PHASE 2 IMPROVEMENTS

- DEVELOPER SHALL CONSTRUCT A 10' SIDE PATH ON THE SOUTH SIDE OF JENKS ROAD ALONG THE FRONTAGE WITHIN PHASE 2.
- DEVELOPER SHALL CONSTRUCT AN EXTENSION OF THE 10' SIDE PATH LOCATED ON THE SOUTH SIDE OF JENKS ROAD FROM PHASE 2 TO THE INTERSECTION OF JENKS ROAD AND GREEN LEVEL CHURCH ROAD AND DESIGN AND INSTALL A SIGNALIZED CROSSWALK ACROSS JENKS ROAD AT THE TRAFFIC SIGNAL. 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 IF EASEMENT OR RIGHT-OF-WAY CANNOT BE SECURED PRIOR TO COMPLETION OF THE FIRST CO WITHIN PHASE 2. ANY PERFORMANCE GUARANTEE PROVIDED FOR THIS SECTION OF SIDE-PATH SHALL BE RELEASED UPON ACCEPTANCE OF SAID FEE-IN-LIEU BY THE TOWN.
- DEVELOPER SHALL IMPROVE THE NORTH SIDE OF DOMINIK COURT ALONG THE FRONTAGE OF PHASE 2 BASED ON A MINIMUM 27' B-B CURB AND GUTTER ROADWAY WITH 5' SIDEWALK.
- DEVELOPER SHALL NOT PROPOSE ACCESS TO DOMINIK COURT UNTIL EITHER ONE OF THE FOLLOWING CONDITIONS IS MET:
 - DOMINIK COURT IS REALIGNED SOUTHWARD TO PROVIDE AN APPROXIMATE RIGHT-ANGLE INTERSECTION WITH KELLY ROAD APPROXIMATELY 700-800' SOUTH OF JENKS ROAD, AND A SOUTHBOUND LEFT TURN LANE IS PROVIDED ON KELLY ROAD AT DOMINIK COURT WITH A MINIMUM OF 100' OF STORAGE PLUS DECELERATION AND TAPER ACCORDING TO NCDOT STANDARDS.
 - A PUBLIC STREET CONNECTING DOMINIK COURT TO JENKS ROAD IS CONSTRUCTED AND DOMINIK COURT IS CONVERTED TO A RIGHT-IN/RIGHT-OUT ACCESS AT KELLY ROAD.

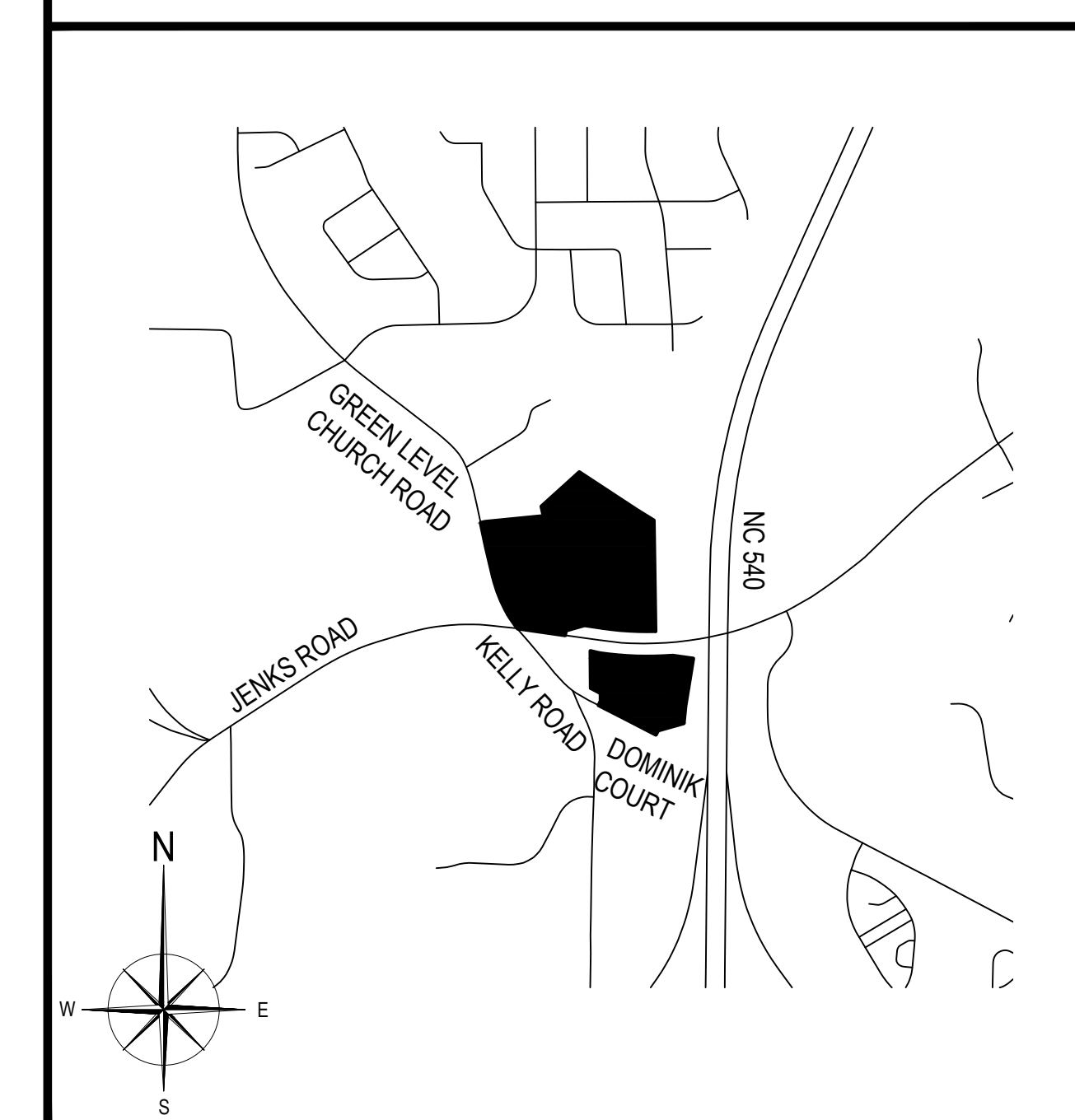
| SITE DATA | |
|---|---|
| 2045 LAND USE PLAN DESIGNATION | CURRENT: MEDIUM DENSITY RESIDENTIAL/OFFICE EMPLOYMENT & MIXED USE PROPOSED: NO CHANGE |
| ZONING | CURRENT: RURAL RESIDENTIAL (RR) PROPOSED: PLANNED UNIT DEVELOPMENT (PUD-CZ) |
| AREA OF TRACTS IN PROPOSED PUD | 0733-10-2211: 18.21 AC. 0732-19-6422: 5.46 AC. TOTAL: 23.67 AC. |
| AREA DESIGNATED AS MIXED-USE ON 2045 LAND USE MAP | 5.46 AC. |
| AREA OF MIXED-USE PROPERTY PROPOSED AS NON-RESIDENTIAL DEVELOPMENT | 5.46 AC. |
| PERCENT OF MIXED-USE PROPERTY PROPOSED AS NON-RESIDENTIAL DEVELOPMENT | 100% |
| REQUESTED SEWER CAPACITY | SOUTHERN TRACT: .09 GPD * 39,000 SF * 2.5 (PEAKING FACTOR) = 8,775 GPD NORTHERN TRACT: 120 GPD * 3 BEDROOMS/TOWNHOME * 71 TOWNHOMES = 25,560 GPD |
| RESIDENTIAL DENSITY | MAXIMUM: 3 DU/ACRE |
| SQUARE FOOTAGE PER NON-RESIDENTIAL USE | MAXIMUM: 39,000 SF |
| BUILDING HEIGHT | MAXIMUM: 45 FT |
| BUILDING SETBACKS | RESIDENTIAL: FRONT 19 FT, REAR 10 FT, SIDE 5 FT, CORNER 10 FT NON-RESIDENTIAL: FRONT 20 FT, REAR 20 FT, SIDE 10 FT, CORNER 10 FT |
| WATERSHED | PROPERTY LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT. |
| HISTORIC STRUCTURES | NONE |
| COMMUNITY AMENITIES | 0.4 ACRE RECREATIONAL PLAY LAWN |
| SITE BUFFERS | |
| NORTHERN PARCEL (PIN #0733102211) | NORTH: 10' TYPE B BUFFER EAST: 10' TYPE B BUFFER SOUTH: 30' TYPE B BUFFER WEST: 30' TYPE B BUFFER |
| SOUTHERN PARCEL (PIN #0732196422) | NORTH: 30' TYPE E BUFFER EAST: 20' TYPE B BUFFER SOUTH: 20' TYPE B BUFFER WEST: 100' TYPE A BUFFER** |
| *19' FROM GARAGE TO LOT LINE AND 20' FROM GARAGE TO BACK OF SIDEWALK | |
| **MAY BE REDUCED TO 50' TYPE A BUFFER PER UDO SECTION 8.2.6 | |

NOTE: THE PARKS AND RECREATION ADVISORY COMMISSION VOTED TO APPROVE FEE-IN-LIEU OF PARK LAND DEDICATION ON JUNE 24TH, 2020. FEE-IN-LIEU AMOUNT TO BE DETERMINED AT THE TIME OF MASTER SUBDIVISION PLANS ACCORDING TO THE TOWN OF APEX FEE SCHEDULE.



VICINITY MAP

1"=1000'



DEVELOPER

LENNAR CORPORATION - RALEIGH DIVISION
1100 PERIMETER PARK DRIVE, SUITE 112
MORRISVILLE, NC 27560
PHONE: 919.337.0235

ATTN: STEPHEN DORN
STEPHEN.DORN@LENNAR.COM

PREPARED BY:



115 MacKenan Drive | Cary, NC 27511 | t: 919.469.3340 | license #: C-0832 | www.withersravenel.com

PLANNER: BRENDIE VEGA, AICP
BVEGA@WITHERSRAVENEL.COM

CIVIL ENGINEER: ARNALDO ECHEVARRIA, PE
AECHEVARRIA@WITHERSRAVENEL.COM

OWNER

KOBRA LLC
117 WOODLAND RIDGE DRIVE
FUQUAY-VARINA, NC 27526

MATCH LINE
(THIS SHEET)

MATCH LINE
(THIS SHEET)



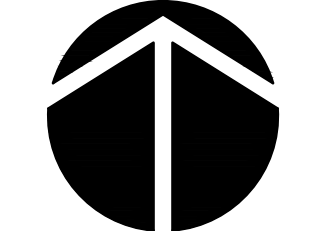
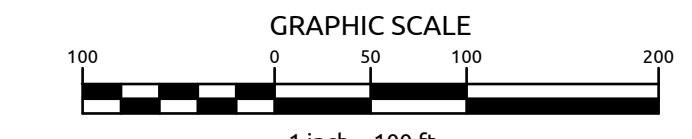
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| C6 | 463.43 | 2080.00 | S88°03'21"E | 462.48' |

| HATCH LEGEND | |
|---|----------------|
| RIPARIAN BUFFER | [Hatch Symbol] |
| LINE TYPE LEGEND (UNLESS OTHERWISE NOTED) | |
| ADJOINER | [Line Style] |
| BOUNDARY | [Line Style] |
| EASEMENT | [Line Style] |
| RIGHT OF WAY | [Line Style] |
| RAILROAD | [Line Style] |
| POND EDGE | [Line Style] |
| SEWER LINE | [Line Style] |
| OVERHEAD POWER LINE | [Line Style] |
| WATER LINE | [Line Style] |
| STORM DRAINAGE | [Line Style] |
| CONTOUR MAJOR | [Line Style] |
| CONTOUR MINOR | [Line Style] |
| LEGEND UNLESS OTHERWISE NOTED | |
| ASP - ASPHALT | [Symbol] |
| CONC - CONCRETE | [Symbol] |
| CA - CATCH BASIN | [Symbol] |
| CMP - CORRUGATED METAL PIPE | [Symbol] |
| CRP - CORRUGATED PLASTIC PIPE | [Symbol] |
| DR - CAST IRON PIPE | [Symbol] |
| EM - ELECTRIC METER | [Symbol] |
| FR - FIBER OPTIC MANHOLE | [Symbol] |
| GV - GAS VALVE | [Symbol] |
| GR - GRASS | [Symbol] |
| RCP - REINFORCED CONCRETE PIPE | [Symbol] |
| SS - SLOTT | [Symbol] |
| WM - WATER METER | [Symbol] |
| WH - WATER VALVE | [Symbol] |
| YH - YARD HYDRANT | [Symbol] |
| UP - UTILITY POLE | [Symbol] |
| PUE - PERMANENT UTILITY EASEMENT | [Symbol] |
| WELL | [Symbol] |
| WATER MANHOLE | [Symbol] |
| WATER VALVE | [Symbol] |
| UTILITY POLE | [Symbol] |
| SANITARY SEWER MANHOLE | [Symbol] |
| FIRE HYDRANT | [Symbol] |
| TELEPHONE/FIBER OPTIC PEDESTAL | [Symbol] |
| TREE | [Symbol] |

- EXISTING CONDITION NOTES:**
- TOPOGRAPHIC AND UTILITY INFORMATION BASED ON AVAILABLE GIS MAPPING. PRELIMINARY BOUNDARY SURVEY PREPARED BY WITHERSRAVENEL DATED 02/18/20.
 - WETLAND/STREAM INFORMATION BASED ON EVALUATION BY S&EC DATED 02/06/20. BUFFERS BASED ON TOWN OF APEX STREAM BUFFER DETERMINATION (APEX #19-006).
 - REGULATORY FEMA MAPPED FLOODPLAINS DO NOT EXIST ON SITE PER FIRM MAPS #3720073300J (5/2/06) & #3720073200J (5/2/06).
 - THE SUBJECT PROPERTY IS LOCATED WITHIN THE TOWN OF APEX PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
 - TREE INFORMATION BASED ON TREE SURVEY BY S&EC DATED 02/06/20.
 - ALL EXISTING STRUCTURES ON THE SUBJECT PROPERTY SHALL BE REMOVED PER TOWN OF APEX STANDARDS AND REQUIREMENTS.

PRELIMINARY
NOT APPROVED FOR
CONSTRUCTION



| No. | Revision | Date | By |
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| Designer | BDM | Scale | 1" = 100' |
| Drawn By | BDM | Date | 08/14/20 |
| Checked By | AE | Job No. | 0218110.1 |

KOBRA TRACT
WAKE COUNTY
NORTH CAROLINA

EXISTING CONDITIONS

WithersRavenel
Engineers | Planners | Surveyors

115 MacKenan Drive | Cary, NC 27511 | t: 919-469-3340 | license #: C-0832 | www.withersravenel.com

Sheet No. **1.0**

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| LINE TABLE | | |
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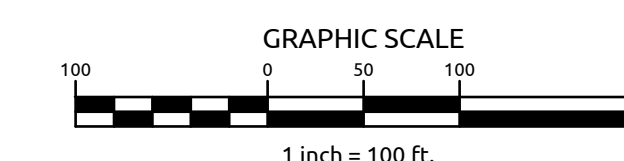
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| C6 | 463.43 | 2080.00 | S88°03'21"E | 462.48' |

- NOTES:**
1. MAXIMUM NUMBER OF RESIDENTIAL UNITS: 71 UNITS
 2. MAXIMUM COMMERCIAL AREA: 39,000 SF
 3. 100' TYPE A BUFFER ALONGS 540 ON SOUTHERN TRACT MAY BE CHANGED TO A 50' TYPE A BUFFER PROVIDED THE FOLLOWING CONDITIONS ARE MET:
 - A. NO MORE THAN 20% OF THE FACADES OF NON-RESIDENTIAL BUILDINGS FACING THE HIGHWAY CAN USE EIFS OR OTHER SYNTHETIC STUCCO.
 - B. PEDESTRIAN CONNECTIONS IN THE FORM OF SIDEWALKS AND/OR SIDE PATHS SHALL BE MADE FROM NON-RESIDENTIAL BUILDINGS TO ADJACENT RESIDENTIAL DEVELOPMENT AND PROPERTIES WITH FUTURE RESIDENTIAL LAND USE. THE FORM OF THE CONNECTION SHALL BE DETERMINED BY THE PLANNING DIRECTOR OF DESIGN.
 - C. FURTHERMORE, PROPERTIES THAT FRONT A LIMITED-CONTROLLED ACCESS HIGHWAY WITH NO OTHER ACCESS OR ROAD FRONTAGE SHALL BE ALLOWED TO REDUCE THE OPACITY OF NO MORE THAN 50% OF THIS BUFFER TO A TYPE E BUFFER. THE REMAINDER OF THE BUFFER SHALL BE PLANTED TO A TYPE A STANDARD.

LEGEND

- POND
- RESIDENTIAL
- COMMERCIAL
- PERIMETER BUFFER
- RESOURCED CONSERVATION AREA
- STREAM BUFFER
- RIGHT-OF-WAY DEDICATION FOR FUTURE ROUNDABOUT
- STREAM
- ACCESS POINT

PRELIMINARY
NOT APPROVED FOR
CONSTRUCTION



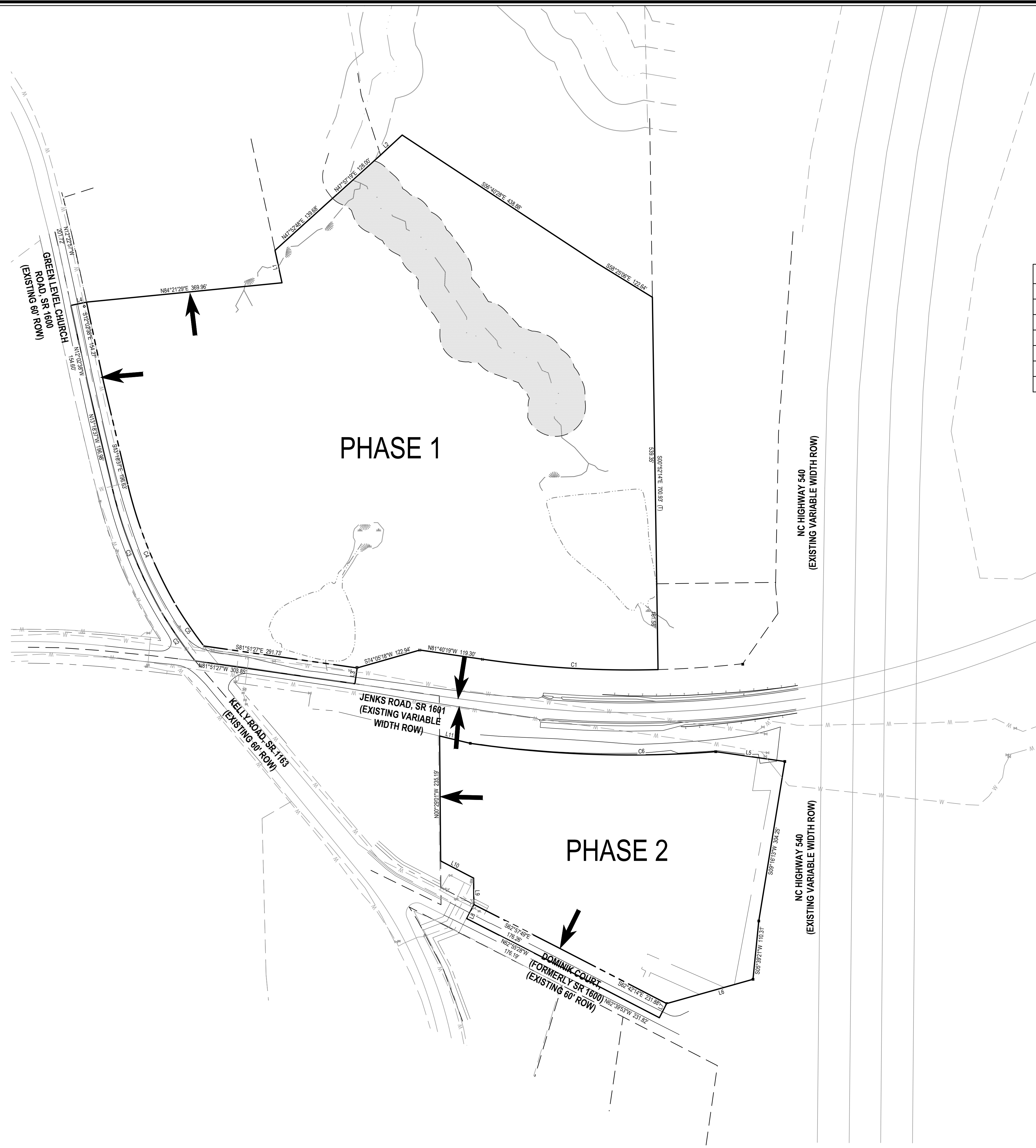
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| Designer | BDM | Scale | 1" = 100' |
| Drawn By | BDM | Date | 08/14/20 |
| Checked By | AE | Job No. | 02181110.1 |

KOBRA TRACT
WAKE COUNTY
NORTH CAROLINA

CONCEPTUAL LAYOUT PLAN



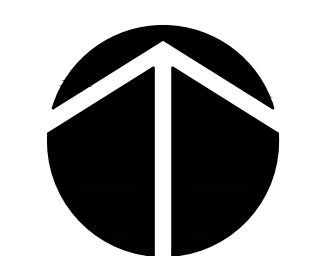
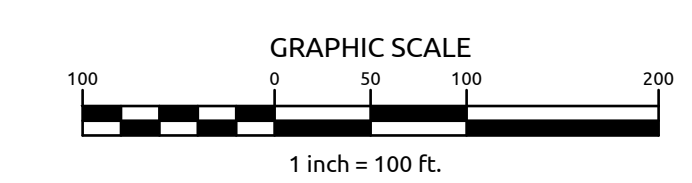
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- PHASE 1 IMPROVEMENTS**
- DEVELOPER SHALL DEDICATE PUBLIC RIGHT-OF-WAY ALONG GREEN LEVEL CHURCH ROAD BASED ON A MINIMUM OF HALF OF A 4-LANE, 110' RIGHT-OF-WAY SECTION AND CONSTRUCT A 5' PAVED SHOULDER ALONG THE FRONTAGE WITHIN PHASE 1.
 - DEVELOPER SHALL CONSTRUCT A SOUTHBOUND LEFT TURN LANE ON GREEN LEVEL CHURCH ROAD AT JENKS ROAD WITH AT LEAST 150' OF STORAGE AND ADEQUATE TAPER & DECELERATION LENGTHS PER NCDOT STANDARDS.
 - DEVELOPER SHALL CONSTRUCT A SOUTHBOUND LEFT TURN LANE ON GREEN LEVEL CHURCH ROAD AT PROPOSED SITE ACCESS WITH AT LEAST 50' OF STORAGE AND ADEQUATE TAPER & DECELERATION LENGTHS PER NCDOT STANDARDS. THIS ACCESS SHALL BE LOCATED A MINIMUM OF 500 FEET FROM JENKS ROAD.
 - DEVELOPER SHALL CONSTRUCT A 10' SIDE PATH ON THE EAST SIDE OF GREEN LEVEL CHURCH ROAD ALONG THE FRONTAGE WITHIN PHASE 1.
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 - DEVELOPER SHALL CONSTRUCT A 5' SIDEWALK ON THE NORTH SIDE OF JENKS ROAD ALONG THE FRONTAGE WITHIN PHASE 1. DEVELOPER SHALL COORDINATE WITH TRAFFIC SIGNAL INSTALLATION BY OTHERS AT THE INTERSECTION OF GREEN LEVEL CHURCH ROAD AT JENKS ROAD IF NOT ALREADY INSTALLED BY THE TIME THIS DEVELOPMENT PLAN MOVES FORWARD. DEVELOPER IS RESPONSIBLE FOR PLAN REVISIONS AND MODIFICATIONS TO THE TRAFFIC SIGNAL TO ACCOMMODATE ROADWAY IMPROVEMENTS ASSOCIATED WITH PHASE 1 AND PHASE 2.
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- PHASE 2 IMPROVEMENTS**
- DEVELOPER SHALL CONSTRUCT A 10' SIDE PATH ON THE SOUTH SIDE OF JENKS ROAD ALONG THE FRONTAGE WITHIN PHASE 2.
 - DEVELOPER SHALL CONSTRUCT AN EXTENSION OF THE 10' SIDE PATH LOCATED ON THE SOUTH SIDE OF JENKS ROAD FROM PHASE 2 TO THE INTERSECTION OF JENKS ROAD AND GREEN LEVEL CHURCH ROAD AND DESIGN AND INSTALL A SIGNALIZED CROSSWALK ACROSS JENKS ROAD AT THE TRAFFIC SIGNAL. 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 IF EASEMENT OR RIGHT-OF-WAY CANNOT BE SECURED PRIOR TO COMPLETION OF THE FIRST CO WITHIN PHASE 2. ANY PERFORMANCE GUARANTEE PROVIDED FOR THIS SECTION OF SIDE-PATH SHALL BE RELEASED UPON ACCEPTANCE OF SAID FEE-IN-LIEU BY THE TOWN.
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 - DEVELOPER SHALL NOT PROPOSE ACCESS TO DOMINIK COURT UNTIL EITHER ONE OF THE FOLLOWING CONDITIONS IS MET:
 - A. DOMINIK COURT IS REALIGNED SOUTHWARD TO PROVIDE AN APPROXIMATE RIGHT-ANGLE INTERSECTION WITH KELLY ROAD APPROXIMATELY 700-800' SOUTH OF JENKS ROAD, AND A SOUTHBOUND LEFT TURN LANE IS PROVIDED ON KELLY ROAD AT DOMINIK COURT WITH A MINIMUM OF 100' OF STORAGE PLUS DECELERATION AND TAPER ACCORDING TO NCDOT STANDARDS.
 - B. A PUBLIC STREET CONNECTING DOMINIK COURT TO JENKS ROAD IS CONSTRUCTED AND DOMINIK COURT IS CONVERTED TO A RIGHT-IN/RIGHT-OUT ACCESS AT KELLY ROAD.

- PHASING NOTES:**
- ACCESS POINTS ARE PRELIMINARY IN NATURE AND SUBJECT TO TOWN OF APEX AND NCDOT REVIEW AND APPROVAL.
 - LIMITS OF LAND DISTURBANCE WITHIN EACH PHASE SHALL BE DETERMINED AT THE SUBDIVISION PLAN STAGE.
 - PUBLIC UTILITIES SHALL BE PROVIDED FOR EACH PHASE OF DEVELOPMENT.

PRELIMINARY
NOT APPROVED FOR
CONSTRUCTION



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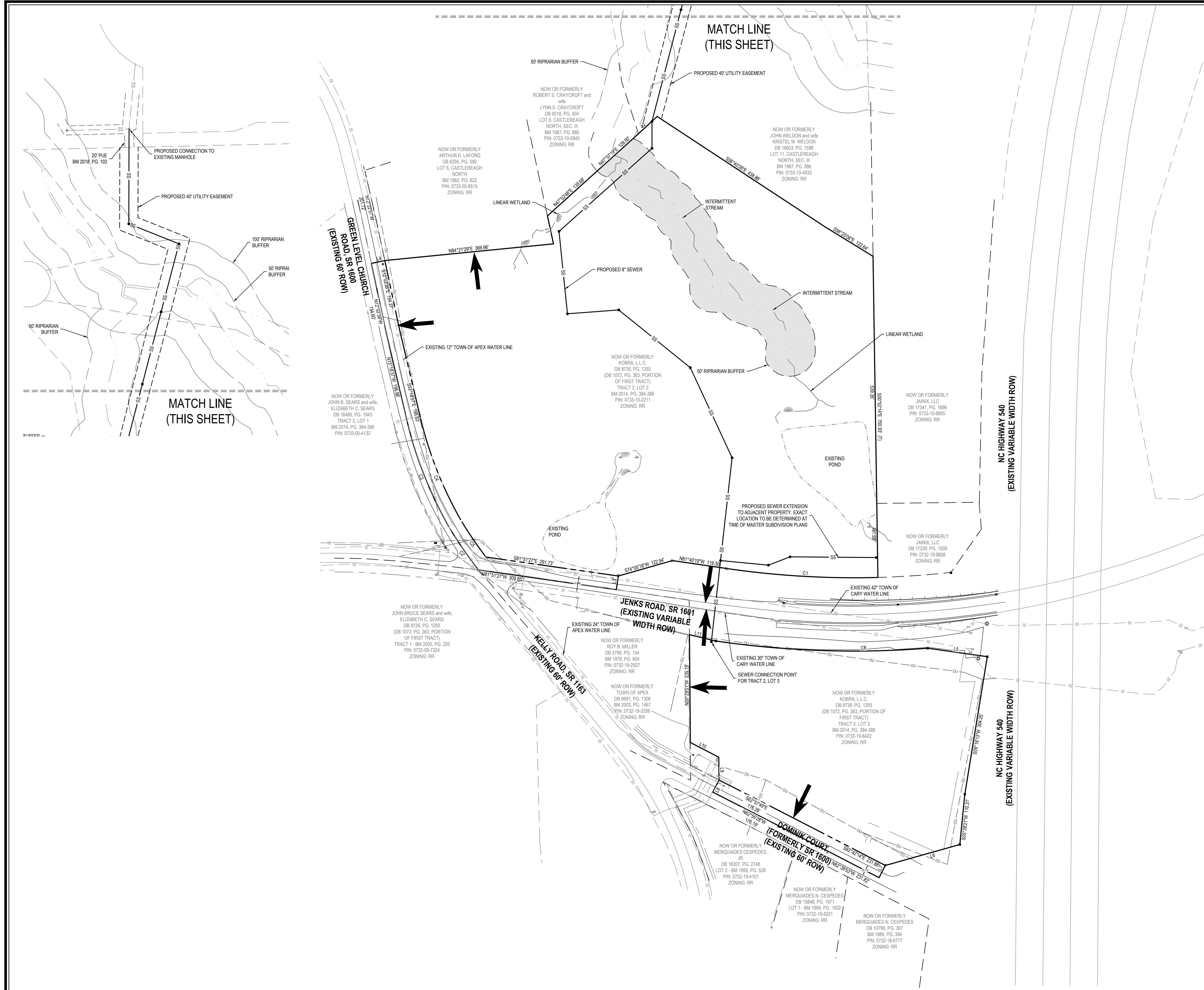
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| Designer | BDM | Scale | 1" = 100' |
| Drawn By | BDM | Date | 08/14/20 |
| Checked By | AE | Job No. | 02181110.1 |

KOBRA TRACT
WAKE COUNTY
NORTH CAROLINA

PRELIMINARY PHASING PLAN

WithersRavenel
Engineers | Planners | Surveyors
115 MacKenan Drive | Cary, NC 27511 | t: 919.469.3340 | license #: C-0832 | www.withersravenel.com

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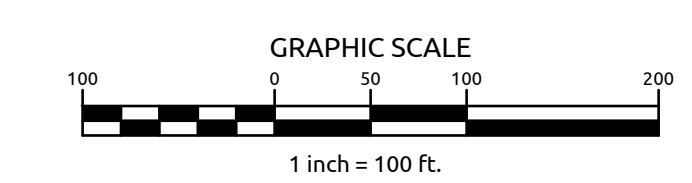


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| C2 | 111.75 | 900.89 | N34°42'19"W | 111.68' |
| C3 | 252.92 | 880.73 | N21°36'21"W | 252.05' |
| C4 | 243.94 | 850.73 | S21°35'41"E | 243.11' |
| C5 | 95.77 | 870.89 | S34°19'29"E | 95.72' |
| C6 | 463.43 | 2080.00 | S88°03'21"E | 462.48' |

- 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.

PRELIMINARY
NOT APPROVED FOR
CONSTRUCTION



| No. | Revision | Date | By |
|-----|----------|------|----|
| | | | |
| | | | |
| | | | |

| | | | |
|------------|-----|---------|------------|
| Designer | BDM | Scale | 1" = 100' |
| Drawn By | BDM | Date | 08/14/20 |
| Checked By | AE | Job No. | 02181110.1 |

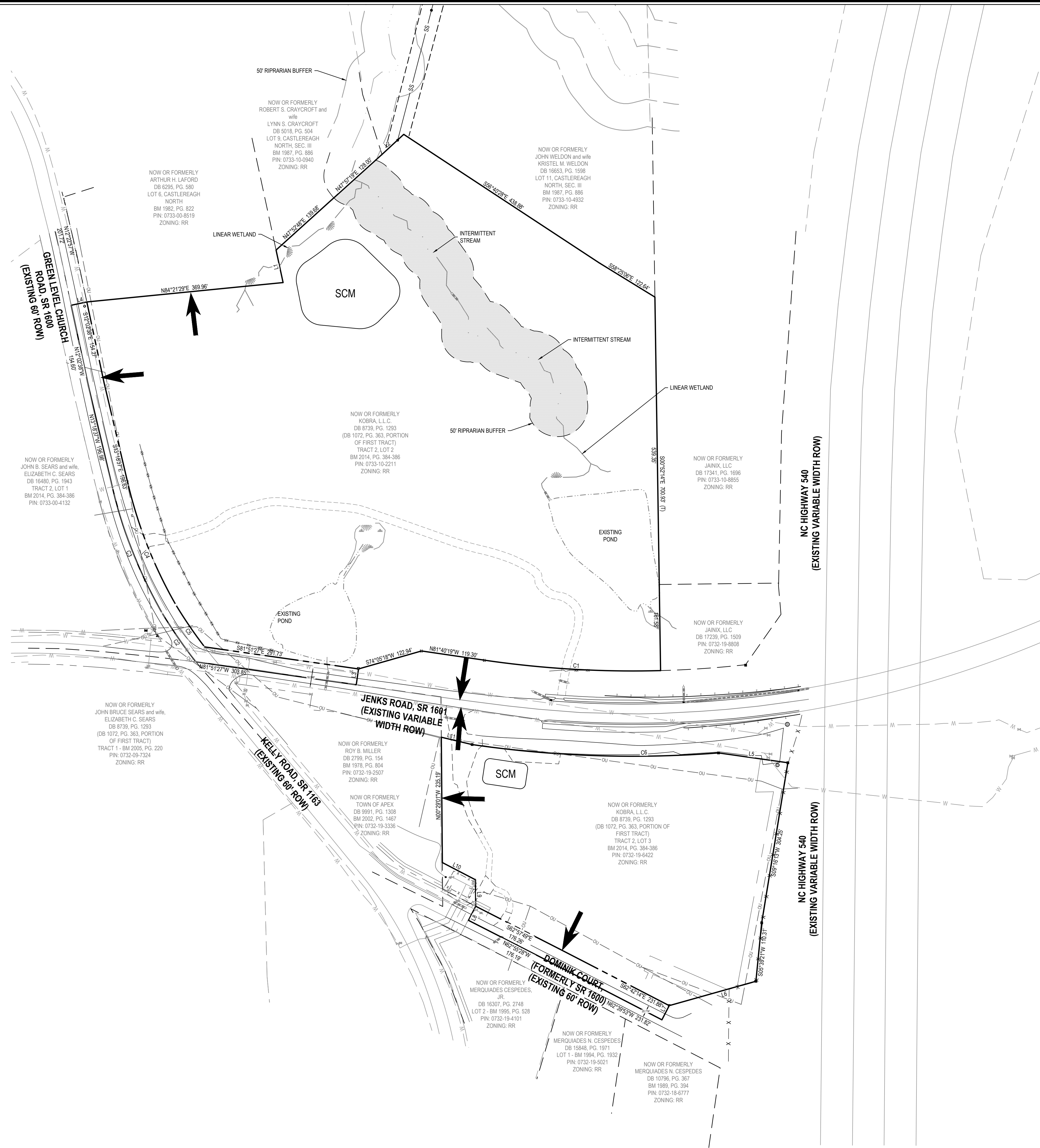
KOBRA TRACT
WAKE COUNTY
NORTH CAROLINA

PRELIMINARY UTILITY PLAN

WithersRavenel
Engineers | Planners | Surveyors
115 MacKenan Drive | Cary, NC 27511 | t: 919.469.3340 | license #: C-0832 | www.withersravenel.com

Sheet No.
4.0

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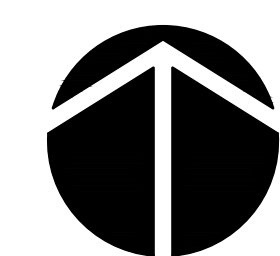
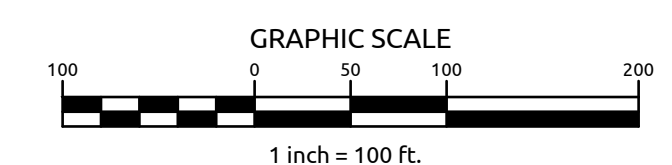


| LINE TABLE | | |
|------------|-------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | N12°09'14"W | 62.39' |
| L2 | N47°16'47"E | 55.55' |
| L3 | S08°08'33"W | 30.00' |
| L4 | N77°57'22"E | 30.00' |
| L5 | S81°55'19"E | 131.38' |
| L6 | S74°18'38"W | 168.88' |
| L7 | S27°20'07"W | 30.00' |
| L8 | N27°04'31"E | 29.72' |
| L9 | N00°33'05"W | 49.68' |
| L10 | N62°29'58"W | 69.96' |
| L11 | S76°36'12"E | 59.39' |

| CURVE TABLE | | | | |
|-------------|--------|---------|-------------|---------|
| CURVE | LENGTH | RADIUS | BEARING | CHORD |
| C1 | 331.36 | 1920.00 | N86°38'58"W | 330.95' |
| C2 | 111.75 | 900.89 | N34°42'19"W | 111.68' |
| C3 | 252.92 | 880.73 | N21°36'21"W | 252.05' |
| C4 | 243.94 | 850.73 | S21°35'41"E | 243.11' |
| C5 | 95.77 | 870.89 | S34°19'23"E | 95.72' |
| C6 | 463.43 | 2080.00 | S88°03'21"E | 462.48' |

- STORMWATER MANAGEMENT NOTES:**
1. TOPOGRAPHIC AND UTILITY INFORMATION BASED ON AVAILABLE GIS MAPPING. PRELIMINARY BOUNDARY SURVEY PREPARED BY WITHERSRAVENEL.
 2. WETLAND/STREAM INFORMATION BASED ON EVALUATION BY S&C DATED 02/06/20. BUFFERS BASED ON TOWN OF APEX STREAM BUFFER DETERMINATION (APEX #19-006).
 3. REGULATORY FEMA MAPPED FLOODPLAINS DO NOT EXIST ON SITE PER FIRM MAP #3720073300J (5/2/06) & #3720073200J (5/2/06).
 4. THE SUBJECT PROPERTY IS LOCATED WITHIN THE TOWN OF APEX PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
 5. 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).
 6. ALL APPLICABLE LOCAL AND STATE ENVIRONMENTAL PERMITS SHALL BE OBTAINED PRIOR TO START OF CONSTRUCTION.
 7. STORMWATER TREATMENT WILL BE HANDLED BY INDIVIDUAL OR REGIONAL FACILITIES WITHIN THE SUBJECT PROPERTY OR ADJACENT OFF-SITE DRAINAGE EASEMENT.

PRELIMINARY
NOT APPROVED FOR
CONSTRUCTION



| No. | Revision | Date | By |
|-----|----------|------|----|
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|------------|-----|---------|------------|
| Designer | BDM | Scale | 1" = 100' |
| Drawn By | BDM | Date | 08/14/20 |
| Checked By | AE | Job No. | 02181110.1 |

KOBRA TRACT
WAKE COUNTY
NORTH CAROLINA

STORMWATER MANAGEMENT PLAN

WithersRavenel
Engineers | Planners | Surveyors
115 MacKenan Drive | Cary, NC 27511 | t: 919.469.3340 | license #: C-0832 | www.withersravenel.com

Sheet No.
5.0

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PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 20CZ04 Kobra Tracts PUD

Planning Board Meeting Date: September 14 and 16, 2020



Report Requirements:

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment 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: ±24.63 acres

PIN(s): 0733102211 & 0732196422

Current Zoning: Rural Residential (RR)

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

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

Town Limits: ETJ

Applicable Officially Adopted Plans:

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

2045 Land Use Map
 Consistent Inconsistent Reason: _____

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 20CZ04 Kobra Tracts PUD

Planning Board Meeting Date: September 14 and 16, 2020



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: 20CZ04 Kobra Tracts PUD

Planning Board Meeting Date: September 14 and 16, 2020



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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 20CZ04 Kobra Tracts PUD

Planning Board Meeting Date: September 14 and 16, 2020



Planning Board Recommendation:

Motion: Motion to recommend approval w/ changes presented by staff

Introduced by Planning Board member: Mark Steele

Seconded by Planning Board member: Tina Sherman

- 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 proposed by applicant, including changes offered on September 16, 2020 (reflected in Town Council staff report).

Note to Town Council: If sewer location is not worked out to mutual satisfaction, Council should consider denying the project.

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

With 6 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

* One abstention due to technical difficulties (Keith Braswell)

This report reflects the recommendation of the Planning Board, this the 16th day of September 2020.

Attest:

Michael Marks, Planning Board Chair

Dianne Khin, Planning Director



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

**PUBLIC NOTIFICATION
 OF PUBLIC HEARINGS
 CONDITIONAL ZONING #20CZ04
 KOBRA Tracts PUD**

Pursuant to the provisions of North Carolina General Statutes §160A-364 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 and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant/Authorized Agent:** WithersRavenel
- Property Addresses:** 7500 Green Level Church Road & 7501 Jenks Road
- Acreage:** ±24.63 acres
- Property Identification Numbers (PINs):** 0733102211 & 0732196422
- 2045 Land Use Map Designation:** Medium Density Residential/Office Employment and Mixed Use: High Density Residential/Office Employment/Commercial Services
- Existing Zoning of Properties:** Rural Residential (RR)
- Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)

Planning Board Remote Public Hearing Date and Time: September 14, 2020 4:30 PM

Watch and listen to the livestream here: <https://bit.ly/2YtxLPn> or <http://www.apexnc.org/calendar.aspx> (click on the Planning Board link for this day in the calendar).

Call in using the phone number to listen only: 828-552-5717 Conference ID: 498 514 647#

Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/182>.

Comments may be shared following instructions in the [Remote Participation Policy](#). The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit). Comments shared by noon on Friday, September 11, 2020, will be read during the Planning Board meeting.

***Planning Board Remote Review of Additional Comments and Vote Date and Time: September 16, 2020 5:00 PM**

*According to NCGS §166A-19.24, when a public hearing is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing.

Watch and listen to the livestream here: <https://bit.ly/3gwILD2> or <http://www.apexnc.org/calendar.aspx> (click on the Planning Board link for this day in the calendar).

Call in using the phone number to listen only: 828-552-5717 Conference ID: 270 333 286#

Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/182>.

Comments may be shared following instructions in the [Remote Participation Policy](#). The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit). Comments shared between noon on Friday, September 11, 2020, and 24 hours after the end of the first Planning Board meeting will be read during this meeting.

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 within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the [2045 Land Use Map](#) can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/30922>.

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #20CZ04 KOBRA Tracts PUD

This notice replaces the previous notice that was posted and mailed.

Pursuant to the provisions of North Carolina General Statutes §160A-364 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 and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Authorized Agent: WithersRavenel

Property Addresses: 7500 Green Level Church Road & 7501 Jenks Road

Acreage: ±24.63 acres

Property Identification Numbers (PINs): 0733102211 & 0732196422

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

Existing Zoning of Properties: Rural Residential (RR)

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

Planning Board Remote Public Hearing Date and Time: September 14, 2020 4:30 PM

Watch and listen to the livestream here: <https://bit.ly/2YtxLPn> or <http://www.apexnc.org/calendar.aspx> (click on the Planning Board link for this day in the calendar)

Call in using the phone number to listen only: 828-552-5717 Conference ID: 725 422 458 #

Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/182>

Comments may be provided by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397/>. You must provide your name and address for the record. Comments shared by noon on Friday, September 11, 2020 will be read during the Planning Board meeting.

***Planning Board Remote Review of Additional Comments and Vote: September 16, 2020 5:00 PM**

**According to NCGS §166A-19.24, when a public hearing is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing.*

Watch and listen to the livestream here: <https://bit.ly/3gwILD2> or <http://www.apexnc.org/calendar.aspx> (click on the Planning Board link for this day in the calendar)

Call in using the phone number to listen only: 828-552-5717 Conference ID: 725 422 458 #

Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/182>

Comments may be provided by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397/>. You must provide your name and address for the record. Comments shared between noon on Friday, September 11 2020, and 24 hours after the end of the first Planning Board meeting will be read during this meeting.

- CONTINUED -

Town Council Public Hearing Date and Time: October 6, 2020 6:00 PM

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

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 comments no later than noon on Monday, October 5, 2020 by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-362-7300, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/31397/>. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

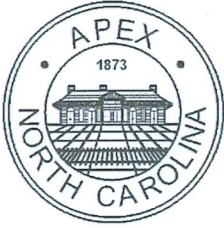
If the Council meeting is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing and the Council’s vote will occur at the Council’s next regularly scheduled meeting.

Vicinity Map:



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the [2045 Land Use Map](#) can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/30922>.

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 Number and/or Name: Conditional Rezoning #20CZ04 (KOBRA Tracts PUD)
Project Location: 7500 Green Level Church Road & 7501 Jenks Road
Applicant or Authorized Agents: WithersRavenel
Firm: WithersRavenel

This is to certify that I as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on September 3, 2020, 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 within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

9-3-2020

Date

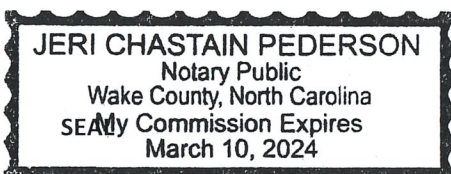
Amade Bance for Dianne Khin

Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above
State and County, this the 3 day of September, 20 20.

Jeri Chastain Pederson
Notary Public



My Commission Expires: 3 / 10 / 2024



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

AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice
 Section 2.2.11
 Town of Apex Unified Development Ordinance

Project Number and/or Name: Conditional Rezoning #20CZ04 (KOBRA Tracts PUD)
 Project Location: 7500 Green Level Church Road & 7501 Jenks Road
 Applicant or Authorized Agents: WithersRavenel
 Firm: WithersRavenel

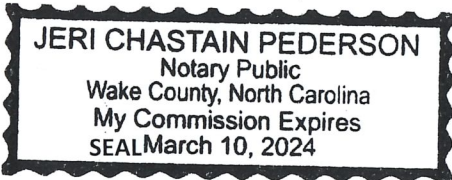
This is to certify that I as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on September 11, 2020, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

9/15/2020
 Date

Janine F. Klein
 Planning Director

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 15 day of September, 20 20.



Jeri Chastain Pederson
 Notary Public

My Commission Expires: 03 / 10 / 2024



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #20CZ04
KOBRA Tracts PUD**

Pursuant to the provisions of North Carolina General Statutes §160A-364 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 and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant/Authorized Agent:** WithersRavenel
- Property Addresses:** 7500 Green Level Church Road & 7501 Jenks Road
- Acreage:** ±24.63 acres
- Property Identification Numbers (PINs):** 0733102211 & 0732196422
- 2045 Land Use Map Designation:** Medium Density Residential/Office Employment and Mixed Use: High Density Residential/Office Employment/Commercial Services
- Existing Zoning of Properties:** Rural Residential (RR)
- Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)

Planning Board Remote Public Hearing Date and Time: September 14, 2020 4:30 PM

Watch and listen to the livestream here: <https://bit.ly/2YtvLPn> or <http://www.apexnc.org/calendar.aspx> (click on the Planning Board link for this day in the calendar).
Call in using the phone number to listen only: 828-552-5717 Conference ID: 498 514 647#
Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/182>.

Comments may be shared following instructions in the [Remote Participation Policy](#). The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300 919-362-7300, 3-minute limit). You must provide your name and address for the record. Comments shared by noon on Friday, September 11, 2020, will be read during the Planning Board meeting.

***Planning Board Remote Review of Additional Comments and Vote Date and Time: September 16, 2020 5:00 PM**

**According to NCGS §166A-19.24, when a public hearing is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing.*

Watch and listen to the livestream here: <https://bit.ly/3jwLD2> or <http://www.apexnc.org/calendar.aspx> (click on the Planning Board link for this day in the calendar).
Call in using the phone number to listen only: 828-552-5717 Conference ID: 270 333 286#
Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/182>.

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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 within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the [2045 Land Use Map](#) can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/30922>.

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

Published Dates: September 3 - 10 - September 14, 2020



TOWN OF APEX
1001 DREW RD. 360
APEX, NORTH CAROLINA 27502
PHONE 919-561-5224

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #20C204
KOBRA Tracts PUD**

This notice replaces the previous notice that was posted and mailed.
Pursuant to the provisions of North Carolina General Statute §160A-060 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 and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Authorized Agent: Wither/Johnson
Property Address: 7500 Green Level Church Road & 7501 Jerks Road
Acres: 474.63 acres
Property Identification Numbers (PINs): 0730302111 & 0730306422
2015 Land Use Map Designation: Medium Density Residential/Office Employment and Mixed Use; High Density Residential/Office Employment/Commercial Service
Existing Zoning of Properties: Rural Residential (RR)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-C2)

Planning Board Remote Public Hearing Date and Time: September 14, 2020 8:00 PM
Watch and listen to the livestream here: <https://bit.ly/2HtUp> or <http://www.apexnc.org/calendar.aspx> (link on the Planning Board link for this day in the calendar)
Call in using the phone number to listen only: 919-562-5717 Conference ID: 725 432 458 #
Follow along with the presentation by viewing a copy of the meeting materials posted the day of the meeting at: <http://www.apexnc.org/118>

Comments may be provided by email (publichearing@apexnc.org, 500-word limit) or voicemail (919-962-7900, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/313670>. You must provide your name and address for the record. Comments shared by noon on Friday, September 11, 2020 will be read during the Planning Board meeting.

***Planning Board Remote Review of Additional Comments and Vote: September 16, 2020 8:00 PM**
*According to NCSC §166A-10.24, when a public hearing is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing.

Watch and listen to the livestream here: <https://bit.ly/2HtUp> or <http://www.apexnc.org/calendar.aspx> (link on the Planning Board link for this day in the calendar)
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- CONTINUED -

Town Council Public Hearing Date and Time: October 5, 2020 8:00 PM

Public Hearing Location: Apex Town Hall
Council Chambers, 2nd floor
73 Hester Street, Apex, North Carolina

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

If you are unable to attend, you may provide comments no later than noon on Monday, October 5, 2020 by email (publichearing@apexnc.org, 500-word limit) or voicemail (919-962-7900, 3-minute limit) according to the Remote Participation Policy at: <http://www.apexnc.org/DocumentCenter/View/313670>. You must provide your name and address for the record. These comments will be read during the Town Council meeting.

If the Council meeting is held with at least one member attending virtually, written comments on the subject of the public hearing may be submitted between publication of any required notice and 24 hours after the public hearing and the Council's vote will occur at the Council's next regularly scheduled meeting.

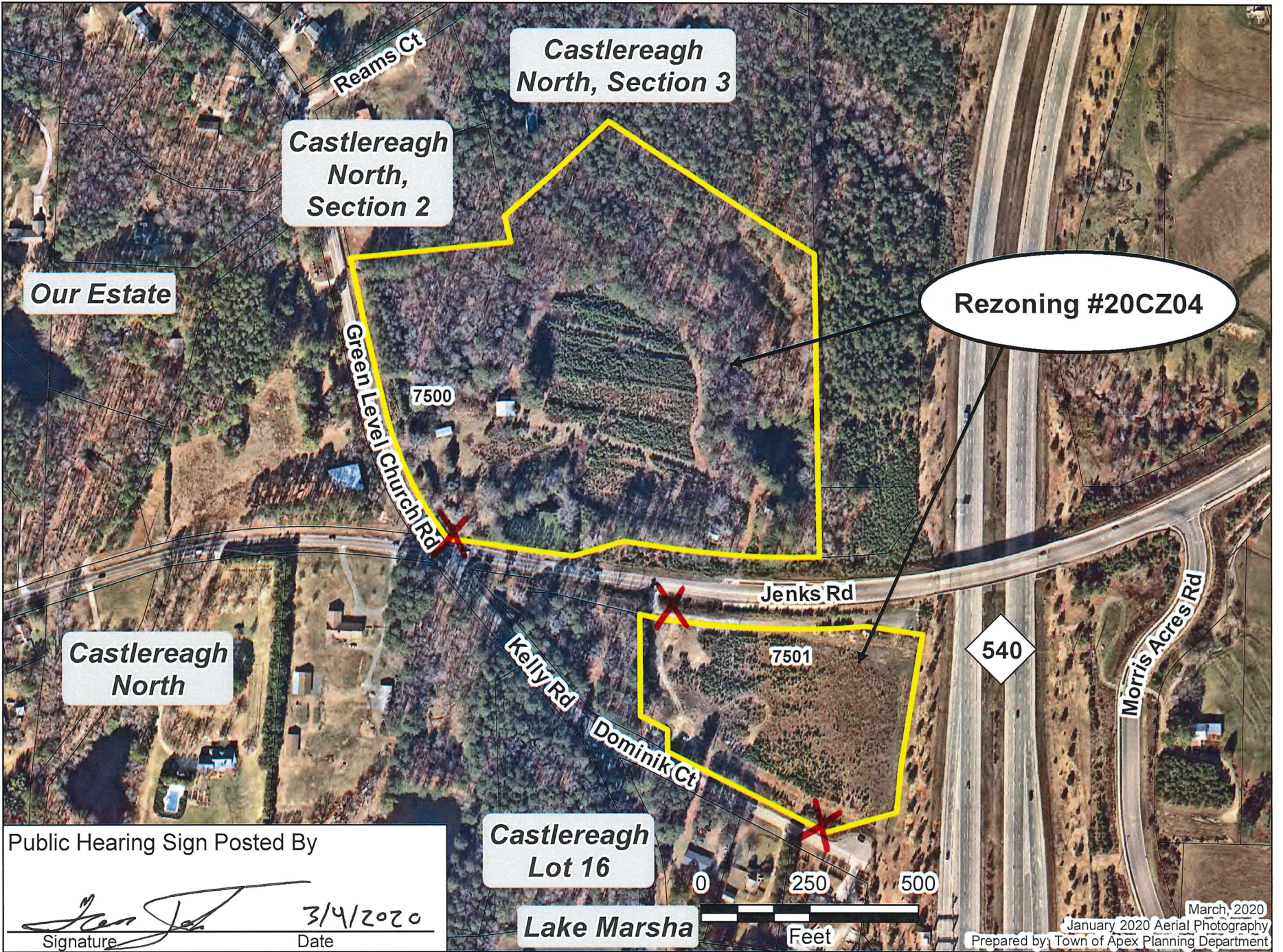
Vicinity Map:



Property owners within 500 feet of the proposed conditional zoning boundaries and this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the 2015 Land Use Map can be inspected at the Apex Town Hall or call 919-396-8428, Department of Planning and Community Development, for further information. To view the petition and related documents visit the: <http://www.apexnc.org/DocumentCenter/View/313670>

Sharon S. Ellis, ACP
Director of Planning and Community Development

Navigation icons: Save, Print, Up/Down arrows, Page 1 / 2, Zoom in/out, and a signature icon.



Public Hearing Sign Posted By
San Jose
 Signature
 3/4/2020
 Date

Castlereagh
 Lot 16

Lake Marsha



540

Rezoning #20CZ04

March, 2020
 January 2020 Aerial Photography
 Prepared by: Town of Apex Planning Department