



Rezoning #21CZ31

Westwinds

West Village

Bella Casa

Winding
Creek
Estates

Pleasant
Park

Kirkwood

Siena and
Verona at
Bella Casa

Old US 1 Hwy



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 #: 21CZ31 Submittal Date: 12/1/21
Fee Paid: \$ _____ Check #: _____

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Sears Property PUD
Address(es): 0 & 2108 Old US 1 Highway
PIN(s) 0731-10-7868; 0731-10-7055

_____ Acreage: 26.218
Current Zoning: RR Proposed Zoning: PUD-CZ
Current 2045 LUM Designation: Medium Density & Office/Employment

Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes No

If any portion of the project is shown as mixed use (3 or more stripes on the 2045 Land Use Map) provide the following:

Area classified as mixed use: Acreage: N/A
Area proposed as non-residential development: Acreage: _____
Percent of mixed use area proposed as non-residential: Percent: _____

Applicant Information

Name: Beazer Homes - Matt Christensen
Address: 801 Corporate Center Drive - Suite 330
City: Raleigh State: NC Zip: 27607
Phone: (919) 995-5607 E-mail: matt.christensen@beazer.com

Owner Information

Name: Brian Sears, Belinda Camp, The Pleasant Plains Baptist Church of Apex, NC & Apex Lodge No 584, A.F. & A.M.
Address: 2804 Holland Road Robert Larry Sears (2108 Old US 1 Hwy)
City: Apex, NC 27502 State: Apex, NC 27502 Zip: _____
Phone: _____ E-mail: _____

Agent Information

Name: Peak Engineering & Design, PLLC - attn: Jeff Roach, P.E.
Address: 1125 Apex Peakway
City: Apex State: NC Zip: 27502
Phone: (919) 439-0100 E-mail: jroach@peakengineering.com
Other contacts: dwoods@peakengineering.com
Jason Barron - jbarron@morningstarlawgroup.com

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 21CZ31

Submittal Date: 12/1/21

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

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

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The 2045 LUM designation for the property is Medium Density Residential and Office/Employment. The proposed zoning would facilitate the development of residential and non-residential uses consistent with the guidance in the Comp Plan for properties with these land use designations.

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

The proposed rezoning is adjacent to residential properties to the north, east, and west and fronting along Old US 1 Highway to the south. The rezoning will enhance residential opportunities while also providing a complimentary non-residential section along the major thoroughfare that is Old US 1 Highway.

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

New development on the site will comply with supplemental use standards to the extent such standards are applicable under UDO Section 4.4.

4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

The project will develop in a manner to limit impacts on surrounding properties. The design contemplates stub streets to adjacent property required by the UDO for future extension of services while avoiding adverse impacts post-construction. Design standards provide visual blocks to limit temp disruptions due to construction.

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

The development will design the site infrastructure in a manner that will minimize and avoid environmentally sensitive areas to the extent practical. This includes protection of existing wetlands, stream buffers, and perimeter vegetative buffers to minimize the impact on surrounding property owners.

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

The project has proposed significant roadway improvements to mitigate traffic concerns; will extend public water and sewer per Town standards to the site; and only improve public service opportunities in a currently under-served portion of the Apex ETJ.

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

The proposed zoning is consistent with the Town's long-range plans for development in this area. Existing and planned service extensions for the area which was bypassed by development in the past will improve response times to this property by Apex services (Police, Fire, EMS, trash and public utilities) providing added safety for residents.

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

The residential component of the project adjacent to other residential properties is what was expected within the framework of the 2045 LUM. The proposed buffers, preservation areas, and uses within the non-residential component are in keeping with the context of the area and will not be detrimental to existing 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.

The proposed rezoning will facilitate the residential and small non-residential construction on the property in a manner to mitigate possible impacts to surrounding properties through sound engineering and design. The site will not create a nuisance for existing or future residents or customers of the non-residential section.

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

The project is proposed as a PUD-CZ and has offered various zoning conditions related to buffers, environmental protection, architectural guidelines, roadway improvements, and other features to comply or exceed current UDO standards.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: **21CZ31**

Submittal Date: **12/1/21**

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 #: 21CZ31 Submittal Date: 12/1/21

Proposed Subdivision/Development Information

Description of location: North of Old US 1 Highway, west of Winding Creek Road
Nearest intersecting roads: Old US 1 Highway and Winding Creek Road
Wake County PIN(s): 0731-10-7868 & 0731-10-7055
Township: Buckhorn

Contact Information (as appropriate)

Contact person: Peak Engineering & Design, PLLC - attn: Jeff Roach
Phone number: (919) 439-0100 Fax number: N/A
Address: 1125 Apex Peakway, Apex, NC 27502
E-mail address: jroach@peakengineering.com
Owner: Brian Sears, Belinda Camp, The Pleasant Plains Baptist Church of Apex, NC, Inc., & Apex Lodge No. 58
Phone number: _____ Fax number: _____
Address: 2804 Holland Road Apex, NC 2108 Old US 1 Highway Apex, NC
E-mail address: _____

Proposed Subdivision/Development Name

1st Choice: ~~Townes at Pleasant Park~~ (name withdrawn - to be formally named at MSP)
2nd Choice (Optional): _____

Town of Apex Staff Approval:

Town of Apex Planning Department Staff Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 21CZ31

Submittal Date: 12/1/21

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

~~Townes at Pleasant Park~~ Sears Property PUD

(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.

Beazer Homes, 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: Beazer Homes, LLC

TOWN OF APEX

BY: Jason Vickers
Authorized Agent

BY: _____
Authorized Agent

DATE: 2-10-2022

DATE: _____

AGENT AUTHORIZATION FORM

Application #: 21CZ31

Submittal Date: 12/1/21

Robert Larry Sears 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: 2108 Old US 1 Highway

The agent for this project is: Peak Engineering & Design, PLLC

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


Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*


Robert Larry Sears
Type or print name

11-30-2021
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 #: 21CZ31

Submittal Date: 12/1/21

The undersigned, Robert Larry Sears (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

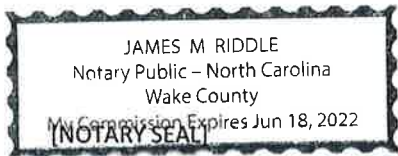
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2108 Old US 1 Highway and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
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 1/3/75, and recorded in the Wake County Register of Deeds Office on 1/28/75, in Book 2374 Page 459.
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 1/3/75, 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 1/3/75, 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 30 day of Nov., 2021.

Robert Larry Sears (seal)
Robert Larry Sears
 Type or print name

STATE OF NORTH CAROLINA
 COUNTY OF NAHE

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



James M. Riddle
 Notary Public
 State of North Carolina
 My Commission Expires: JUNE 18, 2022

Date: November 29, 2021

**Legal Description of a
2.365 Acre
Property of Robert Sears
PIN: 0731-10-7055
DB 2374, PG 459
Apex, NC**

Subject property being located in Wake county, North Carolina:

BEGINNING at an iron pipe found, said iron pipe being located along the northerly right-of-way of Old US Highway 1, thence with the northerly right-of-way of Old US Highway 1, S 71° 10' 58" W 574.48' to an iron pipe found, said iron pipe also being the southeastern corner of the Now or Formerly Vicky & Ching Lin Property;
Thence leaving the northerly right-of-way of Old US Highway 1, and with the easterly line of the Now or Formerly Vicky & Ching Lin Property, N 06° 09' 06" E 197.90' to an iron pipe found;
Thence leaving the easterly line of the Now or Formerly Vicky & Ching Lin Property, N 71° 11' 17" E 574.28' to an iron pipe found;
Thence S 06° 06' 21" W 197.77' to an iron pipe found, said iron pipe being along the northerly right-of-way of Old US Highway 1 and also being THE POINT AND PLACE OF BEGINNING and containing 103,034 square feet or 2.365 acres, more or less.

The property described hereon is subject to all easements, rights-of-way, and restrictions of record.



AGENT AUTHORIZATION FORM

Application #: 21CZ31

Submittal Date: 12/1/21

Apex Lodge No. 584, A.F. & A.M. 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: 0 Old US 1 Highway

The agent for this project is: Peak Engineering & Design, PLLC

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

Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*



PAUL MADRITCH
Type or print name

11/29/2021
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 #: 21CZ31

Submittal Date: 12/1/21

The undersigned, Apex Lodge No. 584, A.F. & A.M. (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 0 Old US 1 Highway and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 6/11/21, and recorded in the Wake County Register of Deeds Office on 6/15/21, in Book 18552 Page 247.
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 6/11/21, 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 6/11/21, 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 29 day of NOV, 2021.

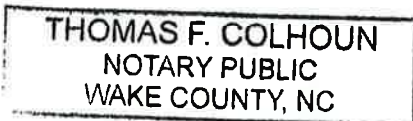
Paul Madritch (seal)

PAUL MADRITCH

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 Paul madritch, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Drivers License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

Thomas F. Colhoun / Thomas F. Colhoun
Notary Public
State of North Carolina
My Commission Expires: 10/25/2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ31

Submittal Date: 12/1/21

Insert legal description below.

Lot 4R, PB 2019, PG 1919

See attached legal description

AGENT AUTHORIZATION FORM

Application #: 21CZ31

Submittal Date: 12/1/21

The Pleasant Plains Baptist Church of Apex, NC, Inc. 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: 0 Old US 1 Highway

The agent for this project is: Peak Engineering & Design, PLLC

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

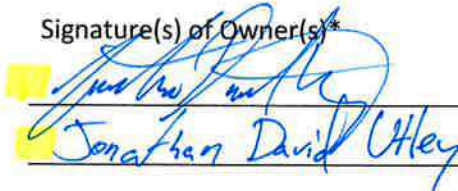
Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*


Jonathan David Utley

Type or print name

11-30-21

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 #: 21CZ31 Submittal Date: 12/1/21

The undersigned, The Pleasant Plains Baptist Church of Apex, NC, Inc. (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 0 Old US 1 Highway and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 6/11/21 and recorded in the Wake County Register of Deeds Office on 6/15/21, in Book 18552 Page 247.
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 6/11/21, 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 6/11/21, 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 30th day of November, 2021.

[Signature] (seal)
Jonathan David Utley
 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 Jonathan David Utley, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Driver License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

THOMAS F. COLHOUN
 NOTARY PUBLIC
 WAKE COUNTY, NC

[NOTARY SEAL]

Thomas F. Colhoun / Thomas F. Colhoun
 Notary Public
 State of North Carolina
 My Commission Expires: 10/25/2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ31

Submittal Date: 12/1/21

Insert legal description below.

Lot 4R, PB 2019, PG 1919

See attached legal description

AGENT AUTHORIZATION FORM

Application #: 21CZ31 Submittal Date: 12/1/21

Brian Sears 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: 0 Old US 1 Highway

The agent for this project is: Peak Engineering & Design, PLLC

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


Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*



Brian S. Sears

Type or print name

11-29-2021

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.

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AFFIDAVIT OF OWNERSHIP

Application #: 21CZ31 Submittal Date: 12/1/21

The undersigned, Brian Sears (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 0 Old US 1 Highway and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 6/11/21 and recorded in the Wake County Register of Deeds Office on 6/15/21, in Book 18552 Page 247.
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 6/11/21, 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 6/11/21, 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 29 day of November, 2021.

Brian S. Sears (seal)
Brian S. Sears
 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 Brian S. Sears, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Drivers License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

THOMAS F. COLHOUN
 NOTARY PUBLIC
 WAKE COUNTY, NC

[NOTARY SEAL]

Thomas F. Colhoun / Thomas F. Colhoun
 Notary Public
 State of North Carolina
 My Commission Expires: 10/25/2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ31

Submittal Date: 12/1/21

Insert legal description below.

Lot 4R, PB 2019, PG 1919

See attached legal description

AGENT AUTHORIZATION FORM

Application #: 21CZ31

Submittal Date: 12/1/21

Belinda Camp & Ted Camp 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: 0 Old US 1 Highway

The agent for this project is: Peak Engineering & Design, PLLC

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

Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Belinda Sears Camp

Belinda Sears Camp

11/29/2021
Date

Type or print name

Ted Camp

TED CAMP

11/29/2021
Date

Type or print name

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 #: 21CZ31 Submittal Date: 12/1/21

The undersigned, Belinda Camp (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 0 Old US 1 Highway and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 6/11/21, and recorded in the Wake County Register of Deeds Office on 6/15/21, in Book 18552 Page 247.
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 6/11/21, 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 6/11/21, 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 29 day of November, 2021.

Belinda Sears Camp Ted Camp (seal)
Belinda Sears Camp TED CAMP
 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 Ted Camp Belinda S. Camp, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Drivers License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

THOMAS F. COLHOUN
 NOTARY PUBLIC
 WAKE COUNTY, NC

[NOTARY SEAL]

Thomas F. Colhoun / Thomas F. Colhoun
 Notary Public
 State of North Carolina
 My Commission Expires: 10/25/2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ31

Submittal Date: 12/1/21

Insert legal description below.

Lot 4R, PB 2019, PG 1919

See attached legal description

Date: November 29, 2021

**Legal Description of a
23.853 Acre
Property of Brian Sears & Belinda Camp
PIN: 0731-10-7868
DB 18552, PG 247
Apex, NC**

Subject property being located in Wake county, North Carolina:

BEGINNING at an iron pipe found, said iron pipe being located along the northerly right-of-way of Old US Highway 1, thence with the northerly right-of-way of Old US Highway 1, S 71° 12' 22" W 180.68' to an iron pipe found;

Thence leaving the northerly right-of-way of Old US Highway 1, N 06° 06' 21" W 197.77' to an iron pipe found;

Thence S 71° 11' 17" W 574.28' to an iron pipe found, said iron pipe also being along the easterly line of the Now or Formerly Vicky & Ching Lin Property;

Thence N 06° 10' 02" E 333.26' to an iron pipe found;

Thence N 06° 04' 18" E 81.25' to an iron pipe found;

Thence N 06° 10' 51" E 417.58' to an iron pipe found;

Thence N 06° 07' 54" E 315.53' to an iron pipe found;

Thence N 06° 10' 18" E 174.26' to an iron pipe found;

Thence N 06° 19' 01" E 29.04' to an iron pipe found;

Thence N 06° 06' 28" E 383.71' to an iron pipe found, said iron pipe also being along the southerly line of the Now or Formerly Stephen & Suzanne Dalessandro Property;

Thence S 88° 12' 41" E 106.90' to an iron pipe found;

Thence S 88° 11' 41" E 199.81' to an iron pipe found;

Thence S 88° 09' 32" E 149.71' to an iron pipe set, said iron pipe also being the northwestern corner of the Now or Formerly Patricia Jones Property;

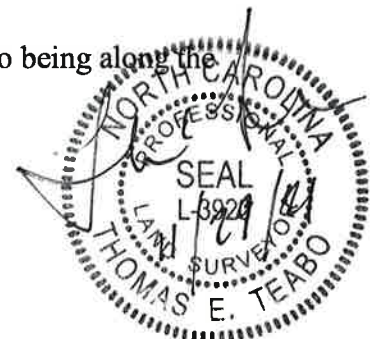
Thence S 11° 34' 39" E 74.91' to an iron pipe found;

Thence S 11° 34' 44" E 570.47' to an iron pipe found;

Thence S 11° 38' 55" E 160.12' to an iron pipe found;

Thence S 11° 34' 39" E 129.79' to an iron pipe set;

Thence S 11° 34' 39" E 173.36' to a computed point, said computed point also being along the westerly line of the Now or Formerly Larry Goll Property;



Thence leaving the westerly line of the Now or Formerly Larry Goll Property, S 51° 59' 24" W 317.49' to an iron pipe set;
Thence S 11° 43' 44" E 90.55' to an iron pipe found;
Thence S 11° 41' 01" E 299.45' to an iron pipe found, said iron pipe being along the northerly right-of-way of Old US Highway 1 and also being THE POINT AND PLACE OF BEGINNING and containing 1,039,024 square feet or 23.853 acres, more or less.

The property described hereon is subject to all easements, rights-of-way, and restrictions of record.



Wake County Residential Development Notification

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

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

Please send any questions about this form to:
studentassignment-gis-group@wcpss.net

Developer Company Information	
Company Name	Beazer Homes
Company Phone Number	(919) 448-6167
Developer Representative Name	Jason Vickers
Developer Representative Phone Number	(919) 448-6167
Developer Representative Email	jason.vickers@beazer.com

New Residential Subdivision Information	
Date of Application for Subdivision	December 2022
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	Townes at Pleasant Park
Address of Subdivision (if unknown enter nearest cross streets)	Old US 1 Highway near Winding Creek Road
REID(s)	0464914 & 0082802
PIN(s)	0731-10-7868 & 0731-10-7055

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

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family																	
Townhomes	160							2200	3000			2024	30	2025	80	2026	50
Condos																	
Apartments																	
Other																	

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.

11/12/21

Date

Dear Neighbor:

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

2108 Old US Hwy 1

0731-10-7055

0 Old US Hwy 1

0731-10-7868

Address(es)

PIN(s)

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

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

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input checked="" type="checkbox"/>	Major Site Plan	Town Council (QJPH*)
<input type="checkbox"/>	Special Use Permit	Town Council (QJPH*)
<input checked="" 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 rezoning is sought to create a residential townhome community interconnected with neighborhood-scale non-residential services along Old US Hwy 1

Estimated submittal date: December 2021

MEETING INFORMATION:

Property Owner(s) name(s):

Robert Sears & Brian & Belinda Sears

Applicant(s):

Peak Engineering & Design, PLLC

Contact information (email/phone):

jroach@peakengineering.com/919-439-0100

Meeting Address:

https://morningstarlaw.group/11292021mtg

Date/Time of meeting**:

11/29/21 @ 5PM

MEETING AGENDA TIMES:

Welcome: 5:00 - 5:02 PM Project Presentation: 5:02 - 5:05 PM Question & Answer: 5:05 - 7:00 PM

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

SITE ADDRESS	PIN_NUM	OWNER	MAILING ADDRESS	
2728 SOUTHWINDS RUN	0731118978	ALEXANDER, ROBERT F. III ALEXANDER, SUMMER C.	2728 SOUTHWINDS RUN	APEX NC 27502-6515
2008 OLD US 1 HWY	0731200492	CAMP, BELINDA S	2008 OLD US 1 HWY	APEX NC 27502-7767
1007 WINDING CREEK RD	0731212287	COLBY, RICHARD D COLBY, CAROL A	1007 WINDING CREEK RD	APEX NC 27502-8727
2825 HOLLAND RD	0731114963	DALESSANDRO, STEPHEN DALESSANDRO, SUZANNE M	2740 BRANTLEY DR	APEX NC 27539-9707
1005 WINDING CREEK RD	0731203998	DRAPER, THOMAS WILLIAM	1005 WINDING CREEK RD	APEX NC 27502-8727
2004 OLD US 1 HWY	0731204461	EVANS, MICHAEL ANDREW	2004 OLD US 1 HWY	APEX NC 27502-7767
0 FRIENDSHIP RD	0730196547	FRIENDSHIP ROAD LLC	6410 MCCRIMMON PKWY	MORRISVILLE NC 27560-8136
2729 SOUTHWINDS RUN	0731213985	GADSBY, JOHN HUNEYCUTT, LISA	2729 SOUTHWINDS RUN	APEX NC 27502-6516
1003 WINDING CREEK RD	0731204659	GOLL, LARRY ALAN	1003 WINDING CREEK RD	APEX NC 27502-8727
3017 HOLLAND RD	0731102964	HOPKINS, MARK A HOPKINS, LESLIE ERVIN	3017 HOLLAND RD	APEX NC 27502-9151
2829 HOLLAND RD	0731114538	JAIN, RAJAT JAIN, MALTI	2829 HOLLAND RD	APEX NC 27502-9150
1009 WINDING CREEK RD	0731213582	JONES, PATRICIA FISH	PO BOX 981	PITTSBORO NC 27312-0981
2116 OLD US 1 HWY	0731102019	LIN, VICKY KU LIN, JEN CHING	3101 FOX SHADOW DR	APEX NC 27502-8770
2124 OLD US 1 HWY	0730098773	MCCLAMB, WALTER J	PO BOX 243	APEX NC 27502-0243
2909 HOLLAND RD	0731112454	MONTGOMERY, CHRISTOPHER K MONTGOMERY, KAREN E	2909 HOLLAND RD	APEX NC 27502-5047
2109 OLD US 1 HWY	0730197850	NEVEROSKY, DEREK A	2109 OLD US 1 HWY	APEX NC 27502-7770
3031 HOLLAND RD	0731101525	ROMAN CATHOLIC DIOCESE OF RALEIGH NC THE	7200 STONEHENGE DR	RALEIGH NC 27613-1622
0 OLD US 1 HWY	0731107868	SEARS, BRIAN S CAMP, BELINDA S	2804 HOLLAND RD	APEX NC 27502-9150
2012 OLD US 1 HWY	0731201214	SEARS, OSCAR FINCH	2008 OLD US 1 HWY	APEX NC 27502-7767
2108 OLD US 1 HWY	0731107055	SEARS, ROBERT LARRY	2108 OLD US 1 HWY	APEX NC 27502-7769
2017 OLD US 1 HWY	0730292828	SEARS, STACEY WADE SEARS, GINNY HOLLAND	211 S SALEM ST	APEX NC 27502-1878
2732 SOUTHWINDS RUN	0731211835	SHARP, WARREN G SHARP, DEBRA	2732 SOUTHWINDS RUN	APEX NC 27502-6515
3001 FRIENDSHIP RD	0730190468	STROUP, BILLY E STROUP, ANNIE	1924 OLD US 1 HWY # 1S	APEX NC 27502-7765
2823 HOLLAND RD	0731124158	TRUSTEE OF THE HERITAGE LEGACY TRUST	2823 HOLLAND RD	APEX NC 27502-9150
3041 HOLLAND RD	0731009204	WESTERN WAKE BIBLE CHAPEL	7612 HUMIE OLIVE RD	APEX NC 27502-9670
2001 OLD US 1 HWY	0731205000	WRAY, FAYE F	2001 OLD US 1 HWY	APEX NC 27502-7768
		APEX TOWN OF	PO BOX 250	APEX NC 27502-0250
		Current Tenant	3001 Friendship RD	APEX NC 27502
		Current Tenant	2825 Holland RD	APEX NC 27502
		Current Tenant	3031 Holland RD	APEX NC 27502
		Current Tenant	2006 Old Us 1 HWY	APEX NC 27502
		Current Tenant	2012 Old Us 1 HWY	APEX NC 27502
		Current Tenant	2017 Old Us 1 HWY	APEX NC 27502
		Current Tenant	2124 Old Us 1 HWY	APEX NC 27502
		Current Tenant	1009 Winding Creek RD	APEX NC 27502

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: Sears Property PUD Assembly Zoning: PUD-CZ

Location: 0 & 2108 Old US Hwy 1

Property PIN(s): 0731-10-7055 & 0731-10-7868 Acreage/Square Feet: 26.218 acres

Property Owner: Robert Sears & Brian & Belinda Sears

Address: 2804 Holland Road

City: Apex State: NC Zip: 27502

Phone: _____ Email: _____

Developer: Beazer Homes

Address: 5400 Trinity Rd | Ste 313

City: Raleigh State: NC Zip: 27607

Phone: _____ Fax: _____ Email: _____

Engineer: Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27607

Phone: _____ Fax: _____ Email: _____

Builder (if known): Same as Developer

Address: _____

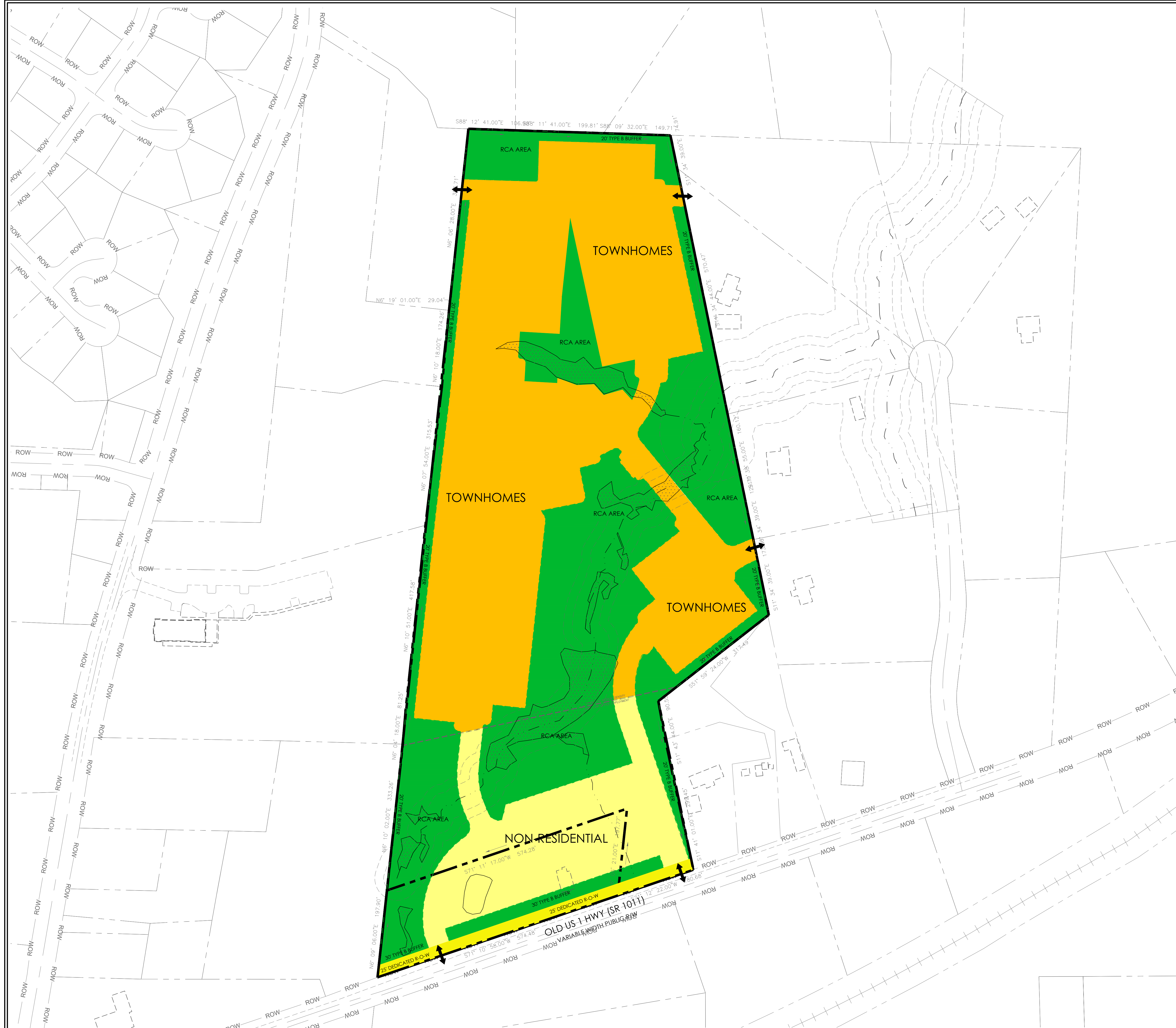
City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

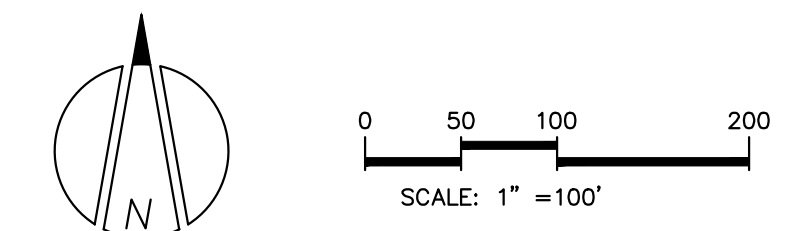
Town of Apex Department Contacts

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



- BUFFERS/RCA/SCMs
- TOWNHOMES
- NON-RESIDENTIAL
- DEDICATED R-O-W

- PROJECT PERIMETER BOUNDARY
 - POTENTIAL ACCESS POINTS
- PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY



1 CONCEPTUAL SITE PLAN
C100 SCALE: 1" = 100'

NC License #P-0673

Project:
SEARS PROPERTY PUD ASSEMBLY
OLD US 1 HWY
BUCKHORN TOWNSHIP
APEX, NORTH CAROLINA 27502

seal:

NO.	DATE	REVISION	BY

title:
CONCEPTUAL SITE PLAN

proj #:
190203

date:
December 1, 2021

dwg by: **JE** chkd by: **JR**

scale:
As Noted

sheet:
C100
SKETCH PLAN

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Brian Sears, Belinda Camp, The Pleasant Plains Baptist Church of Apex, NC, Inc., & Apex Lodge No. 584, A.F. & A.M., Robert Larry Sears

Applicant(s): Beazer Homes

Contact information (email/phone): Jason Vickers (jason.vicker@beazer.com) (919) 448-6167

Meeting Address: Virtual

Date of meeting: 11/29/21 Time of meeting: 5:00 PM - 7:00 PM

Please summarize the questions/comments and your response from the Neighborhood Meeting in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

Question/Concern #1:

See attached summary of neighborhood meeting

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

SEARS PLANNED UNIT DEVELOPMENT
NEIGHBORHOOD MEETING SUMMARY
NOVEMBER 29, 2021 5PM-7PM

1. How will access to the property work?
 - a. Access will be provided via two streets off of Old HWY 1. Additionally, street stubs will be provided to adjacent properties as required by the Town Ordinance
2. A serious concern was raised by the owner of property to the northwest of the site regarding the cross access proposed adjacent to his property.
 - a. The applicant explained that this cross access was shown in anticipation of ordinance requirements for the same.
3. Concerns were expressed related to the widths of buffers. Specifically, multiple attendees requested that buffers be increased to fifty feet (50') from the twenty feet (20') reflected on the PUD maps shared at the meeting.
 - a. The applicant noted the concern and request.
4. A concern was expressed related to the removal of existing large trees along the property lines of the subject property.
 - a. The applicant indicated that existing large trees would be saved within the 20' Type B buffers proposed for the development.
5. A question was asked as to whether a fence was proposed for the property line.
 - a. The applicant indicated that there was not currently a fence proposed, but is happy to meet on site with adjacent owners to review existing vegetation and determine whether a fence would provide a better option as compared to installing additional landscaping.
6. The owners of all properties along the western boundary of the site requested a larger, 50' buffer.
 - a. The applicant noted the request and indicated that the team would review the request to determine what is feasible for the development.
7. The owner of property to the northeast of the site also expressed concern related to the width of the buffer, and specifically requested a 50' buffer also.
 - a. The applicant noted the concern and indicated that the team would review the request to determine what is feasible for the development.
8. The owner of the property to the northeast of the site raised a concern with the proposed cross access to his property. This owner also asked whether the street stub provided as part of the development would have a barrier constructed to prevent people from driving onto his property.
 - a. The applicant noted the concern related to the proposed location of the driveway and explained that the ordinance would require cross access connections for any development of the subject property. Further, the applicant explained that a barrier would be constructed at the end of the street stub, and that no development activity would occur on the adjacent property when the street stub was installed.
9. A concern was raised related to emergency access to the site. Specifically, the concern was that the proposed access drives off of Old HWY 1 would be insufficient to provide adequate access for emergency services to the site.

- a. The applicant explained that the access proposed for the development, with a full movement along the eastern frontage and a right-in, right-out along the western frontage was consistent with the ordinance requirements for access.
10. A question was asked related to the proposed height of homes proposed for the site.
 - a. The applicant indicated that these would be two story townhomes with a maximum of 35'.
11. A question was asked related to parking for these townhomes.
 - a. The applicant indicated that these would be townhomes without a garage in an effort to attract a workforce housing buyer, and that parking would be provided in front of the townhomes.
12. Strong concern was raised with these being townhomes geared toward workforce housing. Specifically, a concern was raised about the type of buyers that would be buying in a community like this.
 - a. The applicant noted the concern, but also made clear the need for affordable housing options in Apex for teachers, nurses, police officers, etc.
13. A request was made that these townhomes be similar to those being built near Bella Casa with prices in the \$500,000 and up range.
 - a. The applicant noted the request.
14. A concern was raised as to whether the Town would annex the property of the adjacent owners.
 - a. The applicant made clear that North Carolina law does not permit involuntary annexation, and that the only way for their property to be annexed is if they ask for it.
15. A concern was noted related to a hill along Old HWY 1 along the western frontage of the site.
 - a. The applicant noted the concern and confirmed that the specific location of access points would be reviewed at the time of subdivision and would take into consideration this hill.
16. A concern was raised about the relocation of Holland Road to connect with Friendship Road and the signal that would be constructed in that location.
 - a. The applicant indicated that the relocation of Holland Road is contemplated in the Town's long range transportation plan.
17. Strong concerns were expressed related to the traffic in general in the area, as well as traffic that would be generated by this development.
 - a. The applicant indicated that a traffic study would be submitted as part of the rezoning and that it would be reviewed by the Town and NCDOT.
18. A question was raised related to whether the traffic study would include other developments.
 - a. The applicant explained that the study would include other approved developments as well as an additional growth factor.
19. A request was made that the maps provided in the meeting be sent around to the attendees.
 - a. The applicant indicated that they would do this.
20. A request was made that the nonresidential section of the development not include a gas station.
 - a. The applicant indicated that the uses proposed for that part of the development do not include a gas station.
21. A question was asked as to whether this would be Town water and sewer and, if so, where those services would come from.

- a. The applicant confirmed that the development would be served by Town water and sewer. The applicant indicated that water service is located along Old HWY 1, and that gravity sewer was planned along the stream that runs north and east within the property.
- 22. The property owner adjacent to the north east side of the development expressed strong opposition to sewer running through his property.
 - a. The applicant requested an opportunity to meet on the site and explore whether a mutually agreeable solution could be found.
- 23. A question was asked as to whether fiber would be provided in the community. One owner specifically said that if fiber was provided from the community to his home it would change his opinion of the development.
- 24. A request was made that the subject property be developed for a park.
 - a. The applicant indicated that the proposed developer intends to develop the site as a mixed use community of 160 townhomes and up to 11,000 square feet of nonresidential uses.
- 25. The owner of an adjoining property indicated that he owned a pool and expressed concern about security with a new development coming in.
 - a. The applicant noted the location of the pool and said they would review what could be done in that area.
- 26. A number of questions were raised related to existing encumbrances from adjacent properties onto the subject property.
 - a. The applicant said they would follow up with these owners to see what could be done with the owners to resolve these encumbrances.
- 27. A question was raised about topography and to what extent the site would need fill dirt.
 - a. The applicant indicated that they would make efforts to minimize the amount of fill needed and would try to balance the site with soils from the property, but confirmed that the site would need to be balanced through grading.

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: Zoom meeting (virtual)
 Date of meeting: November 29, 2021 Time of meeting: 5:00 pm - 7:00 pm
 Property Owner(s) name(s): See attached list of property owners
 Applicant(s): Beazer Homes, Morningstar Law Group and Peak Engineering & Design

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Rajat Jain	2829 Holland Road			
2.	Christopher and Karen Montgomery	2909 Holland Road			
3.	Mark Hopkins	3017 Holland Road			
4.	Richard Colby	1007 Winding Creek Drive			
5.	Larry Goll	1003 Winding Creek Road			
6.	Derek Neverosky	2109 Old US 1 HWY			
7.	Belinda Camp	2008 Old US 1 HWY			
8.	Jason Barron	Morningstar Law Group			
9.	Jason Vickers	Beazer Homes			
10.	Jeff Roach	Peak Engineering			
11.	Elizabeth Stitt				
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, Jeffrey A. Roach, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom meeting (location/address) on November 30, 2021 (date) from 5:00 pm (start time) to 7:00 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

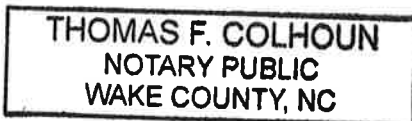
11/30/2021
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Thomas F. Colhoun, a Notary Public for the above State and County, on this the 30 day of November, 2021.

SEAL



Thomas F. Colhoun
Notary Public
Thomas F. Colhoun
Print Name

My Commission Expires: 10/25/2025

Sears Property PUD

PD PLAN

APEX, NORTH CAROLINA

Submitted: December 1, 2021

Resubmitted: February 11, 2022

Resubmitted: April 8, 2022

PREPARED BY:



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Section 1: Table of Contents

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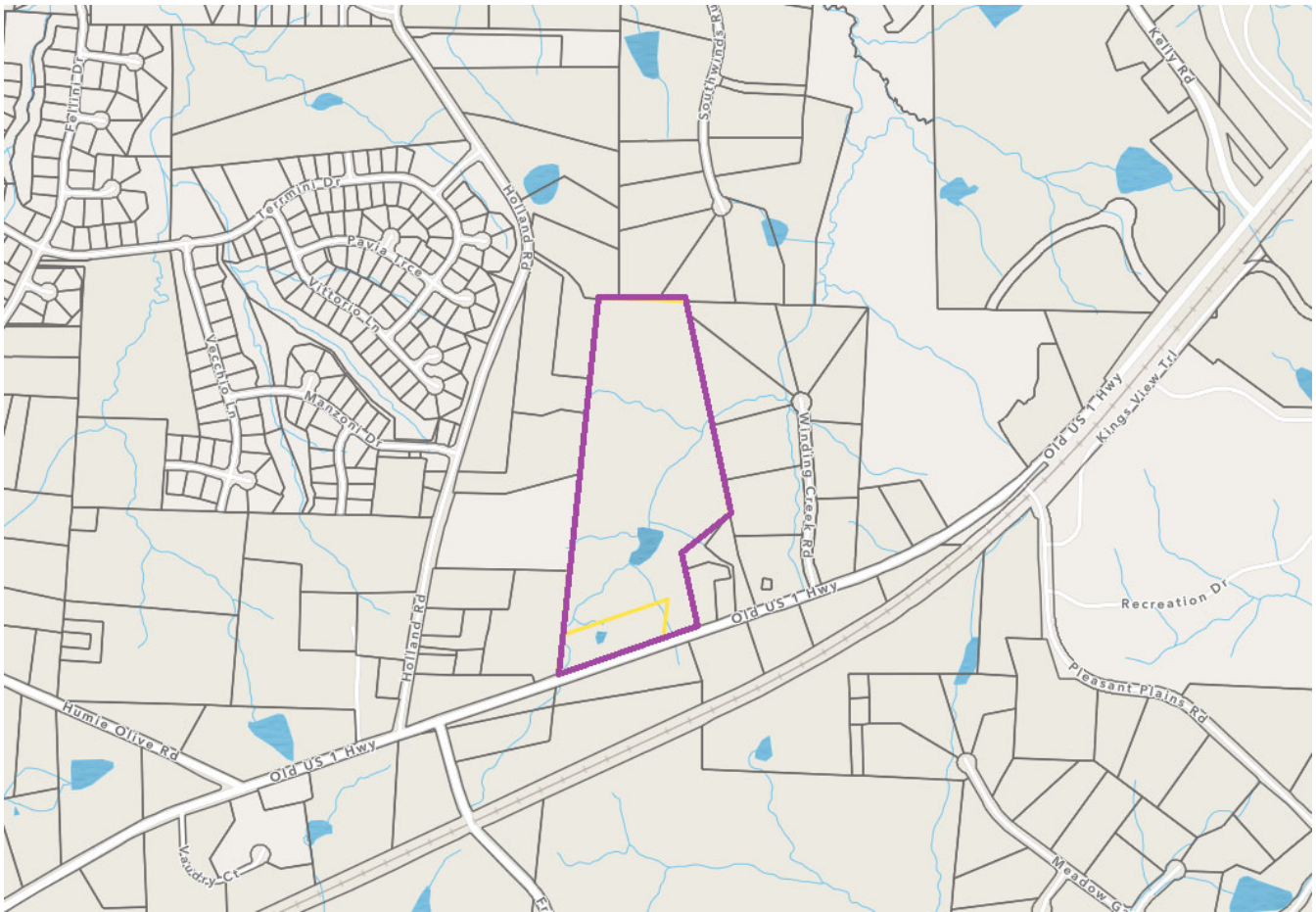
Section 14: Phasing Plan

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Section 2: Vicinity Map



The Sears Property PUD is located in the Town of Apex, north of Old US 1 Highway, east of Holland Road and west of Winding Creek Road. Old US 1 Highway provides frontage along the southern boundary of the subject property. The development is surrounded on three sides by large lot residential parcels with the exception of a church located on one of the parcels immediately to the west.

Section 3: Project Data

A. Name of Project:

Sears Property PUD

B. Property Owners:

Brian S. Sears
2804 Holland Rd
Apex, NC 27502

The Masonic Lodge of Apex, NC #584
2804 Holland Road
Apex, NC 27502

Belinda S. Camp
2804 Holland Road
Apex, NC 27502

Pleasant Plains Baptist Church of Apex
28404 Holland Road
Apex, NC 27502

Robert Larry Sears
2108 Old US 1 Hwy
Apex, NC 27502

Prepared By:

Jason Barron and Nil Ghosh
Morningstar Law Group
421 Fayetteville St | Ste 530
Raleigh, NC 27601

C. Current Zoning Designation:

Rural Residential (RR)

D. Proposed Zoning Designation:

Planned Unit Development – Conditional Zoning (PUD-CZ)

E. Current 2045 Land Use Map Designation:

Medium Density Residential (3-7 units/acre); and
Office Employment

F. Proposed Use

- Up to 160 Townhouses with associated open space, recreational amenities, and infrastructure; and
- Up to 11,000 square feet of non-residential space

G. Size of Project

A total of +/-26.218 acres

- approximately 19.258 acres for residential
- approximately 6.96 acres for non-residential

Section 4: Purpose Statement

The Sears Property PUD development will be a mixed-use community with townhouses in the residential component and connectivity to a neighborhood scale non-residential area along Old US 1 Highway. The project provides a mixed-use concept given the site has frontage along Old US 1 Highway and the site is otherwise surrounded with residential uses. The portion of the development adjacent to Old US 1 Highway is designated for Office/Employment. The mixed-use concept for this project is to provide a transition both in density and in use between the existing large lot single-family homes to Old US 1 Highway and provides an orderly pattern of land uses.

This concept is consistent with the Town's stated PUD goals to provide site-specific, high-quality neighborhoods that exhibit natural feature preservation as well as compatibility with, and connectivity to, surrounding land uses. More specifically, this plan will:

- Allow uses that are compatible with Section 4.2.2, *Use Table* of the UDO
- Provide for the preservation of existing environmentally sensitive areas.
- Provide for site specific and appropriate stormwater controls that exceed the requirements of the UDO.
- Provide appropriate buffering and screening from the proposed use to the existing residential areas.
- Offer medium density housing and employment opportunities in an area slated for those uses on the 2045 Land Use Designation Map.
- Demonstrate dimensional standards that are consistent with the UDO, and where variations occur, said variations will be included herein and subject to Council approval.
- Provide a high-quality community that is linked by a network of connected streets and pedestrian sidewalks that promotes connectivity, walkability, and healthy lifestyles.
- Exhibit character and quality that is compatible with surrounding communities, which is expected to enhance the value of surrounding land uses.
- Provide open space and walkable trails to promote pedestrian activity, while appropriately buffering adjacent residential areas.

All site-specific standards and conditions of this PUD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in UDO Section 2.3.3, *Conditional Zoning Districts* and UDO Section 2.3.4.F.1, *Planned Unit Development (PUD-CZ) District*, except as provided for herein. The proposed PUD will provide a development density that is consistent with principles found throughout *Advance Apex 2045*.

Section 5: Permitted Uses

The subject property 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, except as modified herein. 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. Specifically, the permitted uses include:

Within the area designated for Residential on the PD Plan

- Townhouse
- Greenway
- Recreation facility, private
- Park, active
- Park, passive
- Utility, minor

Within the area designated for Non-Residential on the PD Plan

- Ambulatory Health-care Facility with Emergency Department
- Day care facility
- Government services
- Veterinary clinic or hospital
- Utility, minor
- Park, active
- Recreational facility, private
- Medical or dental laboratory
- Barber and beauty shop
- Floral shop
- Printing and copying services
- Real estate sales
- Tailor shop
- Microbrewery
- Microdistillery
- Drop-in or short-term day care
- Vocational school
- Botanical garden
- Greenway
- Park, passive
- Restaurant, drive-through
- Medical or dental office or clinic
- Office, business or professional
- Artisan Studio
- Financial institution
- Health/fitness center or spa
- Pet services
- Youth or day camps

Sears Property PUD

Additionally, the following conditions shall apply:

- A. A maximum of 160 residential units shall be permitted upon the property.
- B. A maximum of 11,000 square feet of non-residential uses shall be established on the property.
- C. No covenant shall be placed on the property which prohibits accessory apartment as a use.
- D. Outdoor storage shall not be permitted for non-residential uses.
- E. All townhouses and non-residential buildings shall provide solar conduit for the installation of rooftop solar panels.
- F. Signage or informational brochures shall be provided by any homeowner's association regarding the need to reduce pet waste and eliminate fertilizer near SCMs. The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area to reduce pet waste and eliminate fertilizer near SCMs. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
- G. The project shall provide diverse and abundant pollinator sources and install pollinator-friendly flora within SCM Planting areas.
- H. The project shall include plantings within perimeter buffers and along streetscapes; the selected species shall be native species chosen from the Apex Design & Development Manual or approved by Planning staff.
- I. Deciduous shade trees shall be planted along southern sides of building elevations and the selected species shall be taken from the Apex Design & Development Manual or approved by Planning staff.
- J. Evergreen trees shall be planted along northern elevations of buildings and the selected species shall be taken from the Apex Design & Development Manual or approved by Planning staff.
- K. A minimum of three (3) native hardwood tree species shall be planted throughout the development.
- L. The project shall increase biodiversity within the amenity area and recreational areas within the development by: selecting and installing tree, shrub, and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall. Subject to Condition K above, no single species shall constitute more than 20% of the selected plants for each landscaping type (trees, shrubs and perennials.)
- M. The project shall include landscaping that requires less irrigation and chemical use by planting warm season grasses and drought tolerant species for drought-resistance within perimeter buffers, SCMs, and along streets.
- N. The exterior lighting for all non-residential buildings, parking lots, and amenity areas will consist of entirely of LED fixtures. The project shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lots and private amenity areas.
 - a. The project within the amenity area shall use full cutoff LED fixtures that have a maximum color temperature of 3000K for all exterior lighting located within parking lot, private amenity areas, and building mounted fixtures on non-residential buildings.
- O. A minimum of three (3) pet waste stations shall be installed within the development located around the SCMs, play lawns, and gathering areas.

Sears Property PUD

- P. SCMs and their associated grading shall not be located within riparian stream buffers without the approval of a Town of Apex No Practical Alternatives (NPA) finding.
- Q. Of the permitted residential townhouse dwellings, at least five (5) restricted median-income affordable housing townhouse ownership units (Affordable Housing Units) shall be constructed on-site and sold at a mutually agreeable maximum affordable housing median-income ownership initial sales price (includes unit price and lot price) that is calculated based upon the one-hundred percent (100%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI) as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Housing Units shall be occupied by low or median-income households earning no more than one-hundred percent (100%) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by HUD. A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of ten (10) years shall be recorded against each residential restricted median-income affordable housing townhouse ownership unit concurrently at the close of escrow upon the sale of the Affordable Housing Units to memorialize the affordable housing terms and conditions. The five (5) Affordable Housing Unit lots shall be identified on the Master Subdivision Final Plat, which may be amended from time to time. A restrictive covenant (i.e. affordable housing agreement) between the Town and Applicant shall be recorded against the five (5) Affordable Housing Unit lots prior to the issuance of a building permit for such lots to memorialize the affordable housing terms and conditions of the approved zoning condition. Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer.

Section 6: Proposed Design Controls

A. Non-Residential Densities and Design Controls

- Maximum Square Feet: 11,000
- Maximum Height: 60 feet
- Maximum Built-Upon Area: 70%

Design Controls –

Minimum Building Setbacks

	Non-Residential (feet)
Street	20
Side	20
Rear	20
Building-to-buffer/RCA	10
Parking-to-buffer/RCA	5

B. Residential Densities and Design Controls

- Maximum Density: 6.1 Units/Acre
(includes RCA and rights-of-way)
- Maximum Number of Units: 160
- Maximum Built-Upon Area: 65%
- Minimum Lot Width: 20 feet for townhouse
- Maximum Building Height: 36 feet, no more than 2 stories

Note: Porches, patios, decks and other accessory structures may encroach into building setbacks as allowed by the Town of Apex UDO.

Minimum Building Setbacks:

	Townhouse (feet)
Front	10
Front (garage)	20
Side	3 (end unit); 6 (aggregate)
Side (corner)	6
Rear	10
Building-to-building	10
Building-to-buffer/RCA	10
Parking-to-buffer/RCA	5

C. Buffers

Perimeter Buffers

- Northern boundary: 20-foot Type B
- Southern boundary (Old US 1 HWY): 30-foot Type E
- Western boundary: 20-foot Type B
- Eastern boundary: 20-foot Type B

Note: Where perimeter buffers coincide with stream buffers or 100-year floodplain, existing vegetation will be used to meet the buffer width and opacity.

Thoroughfare and Collector Street Buffers

As depicted on the PD Plan, a 30' Type E Buffer shall be established along Old US 1 Highway.

Section 7: Proposed Architectural Controls

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 Master Subdivision submittal. The following conditions shall apply:

Townhouse:

- A. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
- B. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
- C. Garage doors must have windows, decorative details, or carriage-style adornments on them.
- D. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
- E. The garage cannot protrude more than 1 foot from the front façade or front porch.
- F. Front facades shall have horizontal relief achieved using recesses and projections.
- G. 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.
- H. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- I. 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:
 - Bay windows
 - Recessed windows
 - Decorative windows
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick or stone
 - Decorative trim
 - Decorative shakes
 - Decorative air vents on gables
 - Decorative cornice
 - Column on gable
 - Portico
 - Balcony
 - Dormer
 - Decorative gable

Non-residential

Building orientation and hierarchy:

1. Buildings shall be arranged to define, connect, and activate pedestrian edges and public spaces.
2. Buildings shall be consistent in scale, massing, relationship to the street, and style.
3. The buildings shall be placed to maintain a consistent street edge. The relationship of the building to the street edge shall emphasize pedestrian circulation. Pedestrian spaces such as sidewalk dining or shaded seating are encouraged. Whenever practical, required parking and open space shall be maintained in the rear or sides of a building.
4. Buildings shall have vertical proportions. Expanses of blank wall shall not exceed forty (40) feet in width without being interrupted with an architectural feature such as, but not limited to, a column, recess in or projection from the building façade. Permitted setbacks can be used to articulate bays of a building to break up its width. Architectural features such as, but not limited to, columns, piers, rooflines, and brick patterns can be used to divide and create vertical orientation on building facades.
5. The main entry shall be human scaled and emphasized through the use of features such as, but not limited to, columns, piers, windows, recessed entries, sheltering elements, rooflines, trim, color change, material change and masonry patterns. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.
6. Buildings on corners are to be treated as gateways with quality design.
7. Corner buildings shall match or exceed the height of adjacent buildings.
8. Corner buildings shall have two facades which maintain a relationship to each other although they do not need to be identical.
9. Service bays should be located in the rear of structures.
10. The orientation of drive thru- lanes, pick-up windows, and other utilitarian building functions should not be oriented toward or located adjacent the street. If drive-thru lanes must be located adjacent to a street, they shall be screened through the use of low walls and/or landscaping. Pick-up windows shall be de-emphasized through screening and/or architectural elements.

Façade elements:

11. Each façade shall have a rhythm that is repeated through the pattern of wall and openings. The building façade shall have an identifiable base, body, and cap with horizontal elements separating these components. The body of the building shall constitute a minimum of fifty (50%) percent of the total building height. Buildings shall not have blank side walls creating a false front appearance.
12. The street level of the facades shall provide human scaled entries including, but not limited to, recessed entries, sheltering elements and adjacent storefront windows. Facades shall incorporate a minimum of two (2) continuous details refined to the scale of twelve (12) inches or less within the first ten (10) foot of the building wall, measured vertically at street level. Recessed arcades, entries flush with the building face, and small entries without adjacent windows shall be avoided.

Sears Property PUD

Windows:

13. Windows and storefront glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide.
14. The highest percentage of glazing shall be provided at the street level. For buildings (where it is appropriate): (1) a minimum of fifty (50%) percent of the street level façade area shall be transparent or spandrel glass; and (2) second floors, where provided, shall have a minimum of thirty-five (35%) percent transparency or spandrel glass for the total façade area. Overall vertical building proportions shall be expressed in the window proportions. Expanses of vertical windows which give the overall appearance of horizontal massing shall be avoided.

Roof elements:

15. Simple parapet roof edges with varying coping and cornice shall be used on most buildings. The roofline height shall vary from building to building as well as within buildings with wide street frontage.
16. Each building shall have more than one parapet height.
17. Roof features may include hip roofs or awnings with metal or shingle roofs.

Materials and colors:

18. Buildings shall be architecturally compatible by way of colors and use of materials.
19. Each building exterior shall have more than one material color.
20. The exterior materials shall include a combination of building materials. The primary (front) façade materials of the main buildings include:
 - Brick masonry
 - Decorative concrete block (either integrally colored or textured)
 - Stone accents
 - Aluminum storefronts with anodized or pre-finished colors.
 - EIFS cornices and parapet trim.
 - Precast concrete
21. Exterior materials that will not be allowed are as follows:
 - Vinyl siding
 - Painted, smooth faced concrete block (decorative blocks are acceptable)
 - Metal walls
22. EIFS or synthetic stucco shall not be used in the first four feet (4') above grade and shall be limited to only 25% of each building façade
23. Soffit and fascia materials may be EIFS with crown trim elements.

Section 8: Parking and Loading

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

Section 9: Signage

All signage for this PUD shall comply with Apex UDO Section 8.7, *Signs*, of the Town of Apex UDO.

Section 10: Natural Resource and Environmental Data

A. River Basins and Watershed Protection Overlay Districts

The project is located within the Beaver Creek Basin and the Cape Fear River Basin. The Town's Watershed Protection Overlay District Map shows the site is within the Primary Watershed Protection Overlay District and contains FEMA designated 100-year floodplain.

B. Resource Conservation Areas (RCA) – Required and Provided

This PUD will be subject to, and meet the requirements of Section 8.1.2 of the UDO, *Resource Conservation Area* and Section 2.3.4, *Planned Development Districts*.

The site is located on the west side of the 540 corridor and therefore is required to preserve a minimum of 30% Resource Conservation Area (RCA) for areas used for residential uses and a minimum of 25% RCA for areas used for nonresidential uses. Designated RCA areas will be consistent with the items listed in Section 8.1.2(B) of the Town's UDO. Preserved streams, wetlands, and associated riparian buffers provide the primary RCA's throughout the site. Additional RCA area provided may include stormwater management areas, perimeter buffers, play lawns, and greenway trails within the walkable community.

C. Historic structures

Based upon the information contained within the North Carolina State Historic Preservation Office website, there are no historic structures present within the project boundary.

Section 11: Stormwater Management

Development shall meet all stormwater requirements listed in the UDO, including limiting the post-development stormwater flows to not exceed the pre-development rates. In addition, the post-development peak runoff rate shall be limited to the pre-development peak runoff rate for the 2-year, 24-hour, the 10-year, 24-hour and the 25-year, 24-hour storm events. The development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1.7 of the UDO, such that post development peak runoff shall not exceed pre-development peak runoff rate for the 24-hour, the 10-year, 24-hour and the 25-year, 24-hour storm events.

Section 12: Parks and Recreation

Sears Property PUD #21CZ31 was reviewed at the February 23, 2022 PRCR Advisory Commission. The Commission unanimously recommended a fee-in-lieu of dedication for a maximum of 160 Single-Family Attached units. Land dedication was not recommended as this property is located in very near proximity to the Apex Nature Park, the future Pleasant Park, and Olive Farm Park(s). The current 2022 fee rate per unit is \$2,528.25.

Per Article 14 of the UDO, any credit for greenway construction against fees requires the approval of construction plans, contingent upon approval of an engineer's estimate of probable cost for greenway construction.

Section 13: Public Facilities

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and be designed according to sound engineering standards and shall comply with Town of Apex Sewer and Water Master Plan and the Town of Apex Standards and Specifications. Specifically, road and utility infrastructure shall be as follows:

- **General Roadway Infrastructure**

Developer shall provide minimum frontage widening based on ½ of the ultimate cross section as shown on the adopted Transportation Plan in effect at time of Master Subdivision Plan submittal. The road network will promote connectivity wherever possible to adjacent neighborhoods and undeveloped property. Further, cul-de-sacs will be avoided except where environmental features make through streets unfeasible. Sidewalks will be provided on both sides of streets internal to the site as required by the UDO.

Refer to the concept plan of the PUD plan for proposed access points, stub street extensions, and planned vehicular connectivity. All access and circulation are conceptual and will be finalized at the time of Master Subdivision Plan review and approval.

- **Transportation Improvements**

All proposed driveway access and improvements on state-maintained roadways are subject to NCDOT review and approval. Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Master Subdivision Plan and Construction Document approval process. A Traffic Impact Analysis (TIA) has been performed as part of this PUD rezoning consistent with the Town's standards for the same. Based upon the TIA and staff review, the following traffic improvements are proposed for this development:

Old US 1 Highway

All development frontage improvements along Old US1 shall be provided based on a minimum 34' edge-to-edge roadway including two 11' travel lanes and 6' bike lanes on 110' right-of-way, planned for eventual widening to a 4-lane median-divided section. 5' sidewalk shall be provided along the development frontage 1' offset from the ultimate right-of-way.

A maximum of two (2) access points shall be proposed on Old US 1 Highway, to be located east of Friendship Road providing one (1) full-movement access and one (1) right-in/right-out access.

Sears Property PUD

Old US 1 Hwy and Site Drive #1

- The Developer shall construct the southbound approach with one (1) ingress lane and one (1) egress lane striped as a right-in/right-out.
- The Developer shall provide stop-control for the southbound approach.
- At the time of constructing Site Drive #1 as a right-in/right-out access, Developer shall provide a westbound right-turn lane on Old US 1 Highway with of 50 feet of storage plus appropriate deceleration length and taper per NCDOT guidance and a 4' or greater concrete median divider along the centerline of Old US 1 Highway to prevent left turns.

Old US 1 Hwy and Site Drive #2

- At the time of constructing Site Drive 2 as a full-movement access, developer shall provide a southbound approach with two egress lanes including an exclusive left turn lane and an exclusive right turn lane with 50 feet of storage and appropriate deceleration length and taper for a 25 mph design speed. In addition, developer shall provide an eastbound left turn lane on Old US 1 with 50 feet of storage plus appropriate deceleration length and taper per NCDOT guidance.

Requested by NCDOT

Old US Hwy 1 and Site Drive 2

- If sufficient right-of-way is available or obtained from adjacent property owners, the Developer shall construct an exclusive westbound right-turn lane on Old US 1 Hwy with a minimum of 50 feet of storage with appropriate deceleration and taper length per NCDOT guidance.
- **Wayfinding Improvements**
Wayfinding measures at the site shall be provided to facilitate the movement of vehicles and pedestrians to and within the development.
- **Water and Sanitary Sewer**
All development within the project shall be served by the Town of Apex water and sanitary sewer facilities. The utility design will be finalized at the time of development plan review and approval upon available facilities adjacent to the site at that time. A conceptual utility plan is included in the PUD plan for reference. All utility infrastructure shall meet current Town water and sewer master plans.
- **Other Utilities**
Electricity will be provided by Apex Electric. Phone, cable, and gas will be provided by the developer and shall meet the Town of Apex standards as outlined in the UDO.

Section 14: Phasing Plan

This PUD and all improvements required to support the uses contemplated by the PUD, including without limitation infrastructure and public facilities, may be completed in multiple phases, with construction anticipated to begin in 2023. Project phasing will be planned to ensure the points of access, RCA, stormwater controls and other design standards are met in accordance with the UDO. A final phasing plan will be incorporated within the Master Subdivision Plans (MSP) for review and approval through the Technical Review Committee.

Section 15: Consistency with the 2045 Land Use Map

The proposed land use is consistent with the Town of Apex's 2045 Land Use Map.

Section 16: Compliance with the UDO

The development standards adopted for this PUD are in compliance with those set forth in the current version of the Town's Unified Development Ordinance (UDO). Any deviations from UDO requirements have been specifically defined within this document. No deviations from the UDO are currently anticipated with the project zoning documents.

Section 17: Compliance with Comprehensive Transportation Plan and Bicycle Plan

Development plans submitted pursuant to this rezoning shall comply with the adopted Comprehensive Transportation Plan in effect at the time of the development plan submittal, as provided for in the Unified Development Ordinance. Further, development of the property shall be consistent with the Town's adopted Bicycle Plan in effect at the time of the development plan submittal.

SEARS PROPERTY PUD

PLANNED UNIT DEVELOPMENT CONDITIONAL ZONING OLD U.S. 1 HIGHWAY APEX, NORTH CAROLINA DECEMBER 1, 2021 Zoning Case #21CZ31

SITE INFORMATION:

Property Owner(s)/Site Address	PIN	REID	Map Number	Deeded Acreage	Deed Book/Plat Book & Page
SEARS, BRIAN S CAMP, BELINDA S. THE MASONIC LODGE OF APEX, NC #584 PLEASANT PLAINS BAPTIST CHURCH OF APEX, NC 0 OLD US 1 HWY APEX, NC 27502	0731-10-7868	464914	073103	23.853	DB 18552 PG 247-251 BM 2019 PG 01919
SEARS, ROBERT LARRY 2108 OLD US 1 HWY APEX, NC 27502	0731-10-7055	82802	073103	2.365	DB 2374 PG 459 DB 1073 PG 113 BM 2019 PG 247
Total acreage:				26.218 acres	

Existing Zoning: RR (Rural Residential)
Proposed Zoning: PUD-CZ (Planned Unit Development - Conditional Zoning)

Current 2045 Land Use Map: Medium Density Residential & Office Employment
Existing Use: Vacant, Agricultural

Township: Buckhorn

Flood Zone Information: Firm Panel 3720073100J dated 5-2-2006 does not show the presence of flood zones on the properties
Watershed Information: Primary Watershed Protection Overlay District, Beaver Creek Basin, Cape Fear River Basin

Historical: No historical structures on site

Proposed Uses:

Residential:

- Townhouse
- Greenway
- Recreation Facility, private
- Park, active
- Park, passive
- Utility, minor

Non-Residential:

- Ambulatory Health-care Facility with Emergency Department
- Day care facility
- Government services
- Veterinary clinic or hospital
- Utility, minor
- Park, active
- Recreational facility, private
- Medical or dental laboratory
- Barber and beauty shop
- Floral shop
- Printing and copying services
- Real estate sales
- Tailor shop
- Microbrewery
- Youth or day camps
- Microdistillery
- Drop-in or short term day care
- Vocational school
- Botanical garden
- Greenway
- Park, passive
- Restaurant, drive-through
- Medical or dental office or clinic
- Office, business or professional
- Artisan studio
- Financial institution
- Health/fitness center or spa
- Pet services

Buildings: 160 Townhouses
11,000 SF Non-Residential Building

Acreage: 26.218 acres
Townhouse: 19.258 acres
Non-Residential: 6.96 acres

Townhouse Density: 6.13 DU/acre (160 DU / 26.218 acres)

Building Height: Townhouses: 36 feet / 2-stories
Non-Residential: 36' - 60' maximum (to be determined based upon use)

Built Upon Area (BUA): Townhouses: 65%
Non-Residential: 65% - 70% (to be determine based upon use)

Building Setbacks: Townhouses Non-Residential
Front: 10 feet 20 feet
Front (garage): 20 feet ---
Side (end unit): 3 feet 20 feet
(6 feet aggregate)
Side (corner): 6 feet ---
Rear: 10 feet 20 feet
Building to Building: 10 feet ---
Building to Buffer/RCA: 10 feet 10 feet
Parking to Buffer/RCA: 5 feet 5 feet

Parking: Townhouses Non-Residential
Required Spaces: 2 spaces per dwelling unit plus .25 per unit for guest parking
2 spaces x 160 dwelling units = 320 spaces
.25 x 160 dwelling units = 40 spaces
360 parking spaces required

Non-Residential Required Spaces: To Be Determined Based Upon Use and UDO requirements

DRAWING INDEX:

C000	COVER SHEET
C001	EXISTING CONDITIONS
C100	CONCEPTUAL SITE PLAN
C200	CONCEPTUAL UTILITY PLAN

OWNER/DEVELOPER

BEAZER HOMES
MATT CHRISTENSEN
801 CORPORATE CENTER DRIVE SUITE 303
RALEIGH, NC 27607
PHONE: (919) 995-5607

TRANSPORTATION ENGINEER

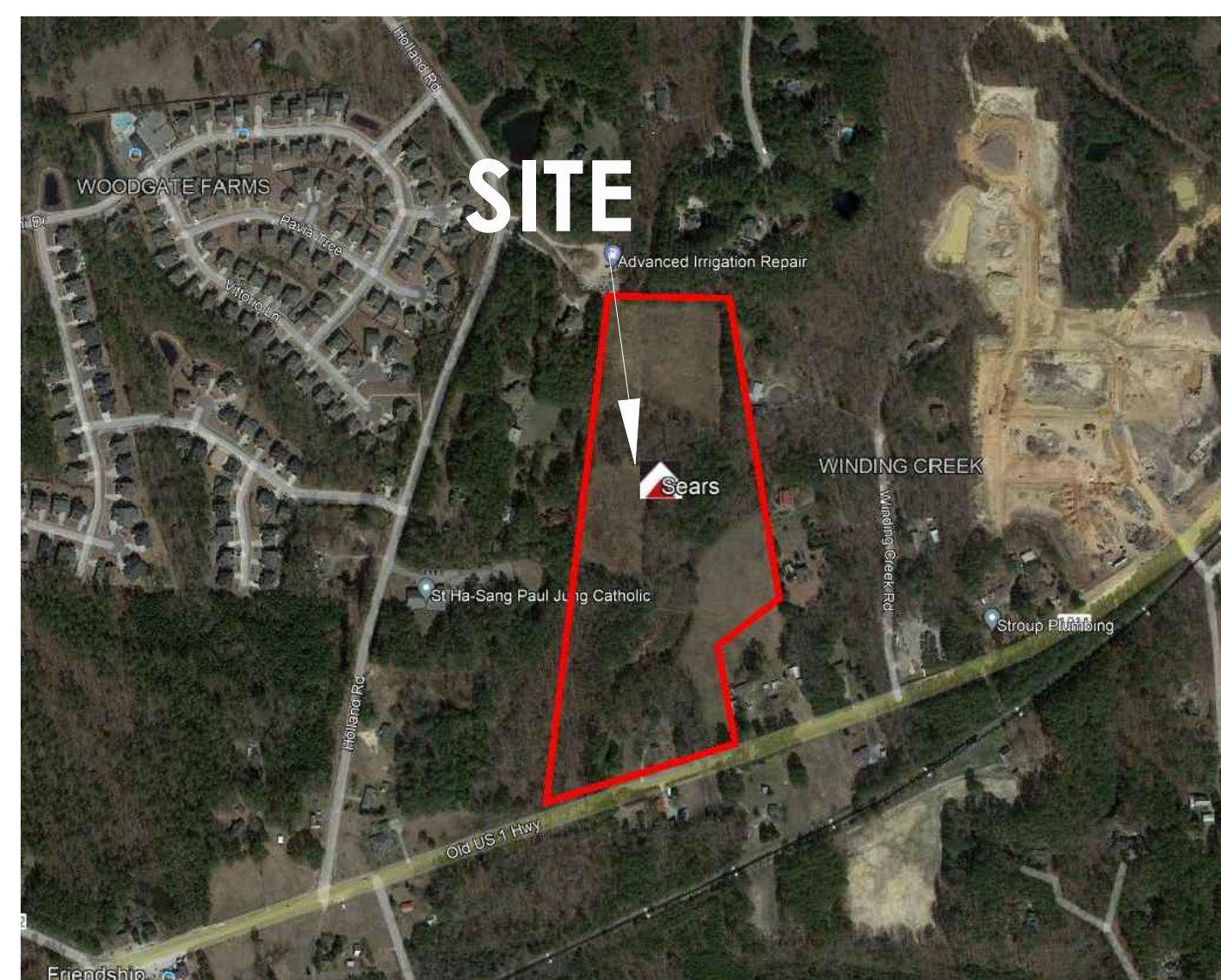
RAMEY KEMP & ASSOCIATES
NATE BOUQUIN
5808 FARINGDON PLACE SUITE 100
RALEIGH, NC 27609

CIVIL ENGINEER

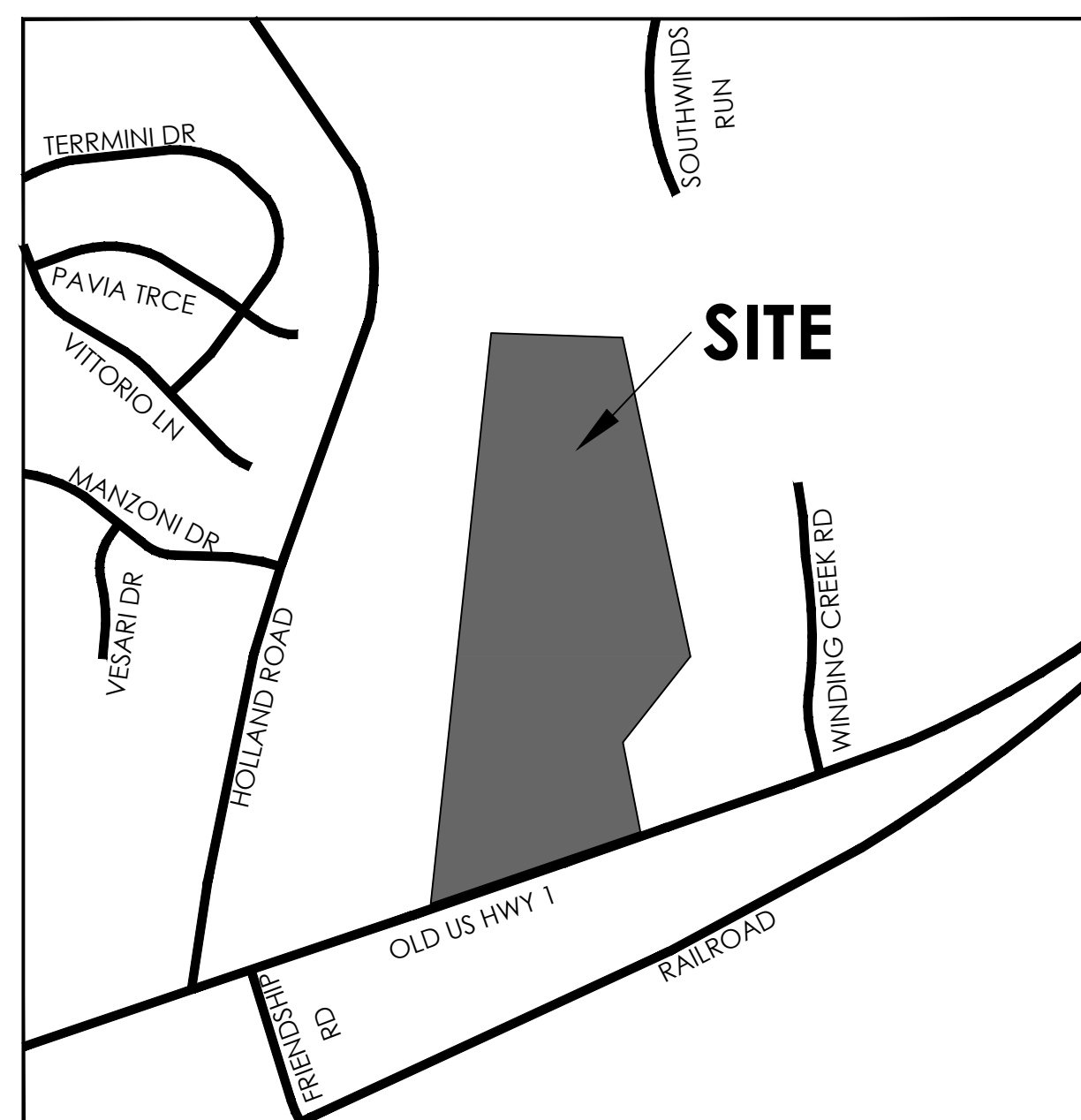
PEAK ENGINEERING & DESIGN, PLLC
JEFF ROACH, P.E.
1125 APEX PEAKWAY
APEX, NC 27502
PHONE: (919) 439-0100

ENVIRONMENTAL CONSULTANT

SAGE ECOLOGICAL SERVICES, INC.
SEAN CLARK
3707 SWIFT DRIVE
RALEIGH, NC 27606



AERIAL MAP
NOT TO SCALE



VICINITY MAP
NOT TO SCALE



THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY

NO.	DATE	REVISION	BY
1	MARCH 10, 2022	TOWN OF APEX - LIST ZONING COMMENTS	JR
2	APRIL 8, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	JR
3	APRIL 25, 2022	TOWN OF APEX - 3RD ZONING COMMENTS	JR

title:
COVER SHEET

proj #:

190203

date:

December 1, 2021

dwg by: chkd by:

JE JR

scale:

As Noted

sheet:

C000

SKETCH PLAN

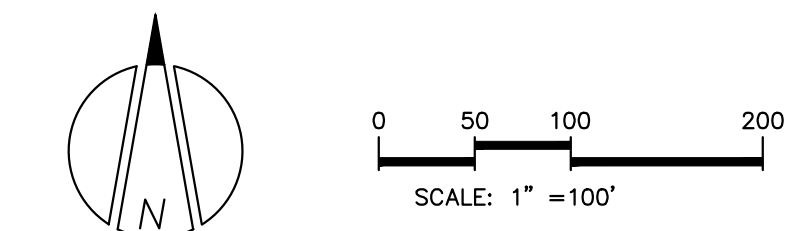


WETLANDS

TREE LEGEND

- PINE TREES (>18" DBH)
- DECIDUOUS TREES (>18" DBH)

THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY



1 EXISTING CONDITIONS
C001 SCALE: 1" = 100'

Project:
SEARS PROPERTY PUD
OLD US 1 HWY
BUCKHORN TOWNSHIP
APEX, NORTH CAROLINA 27502

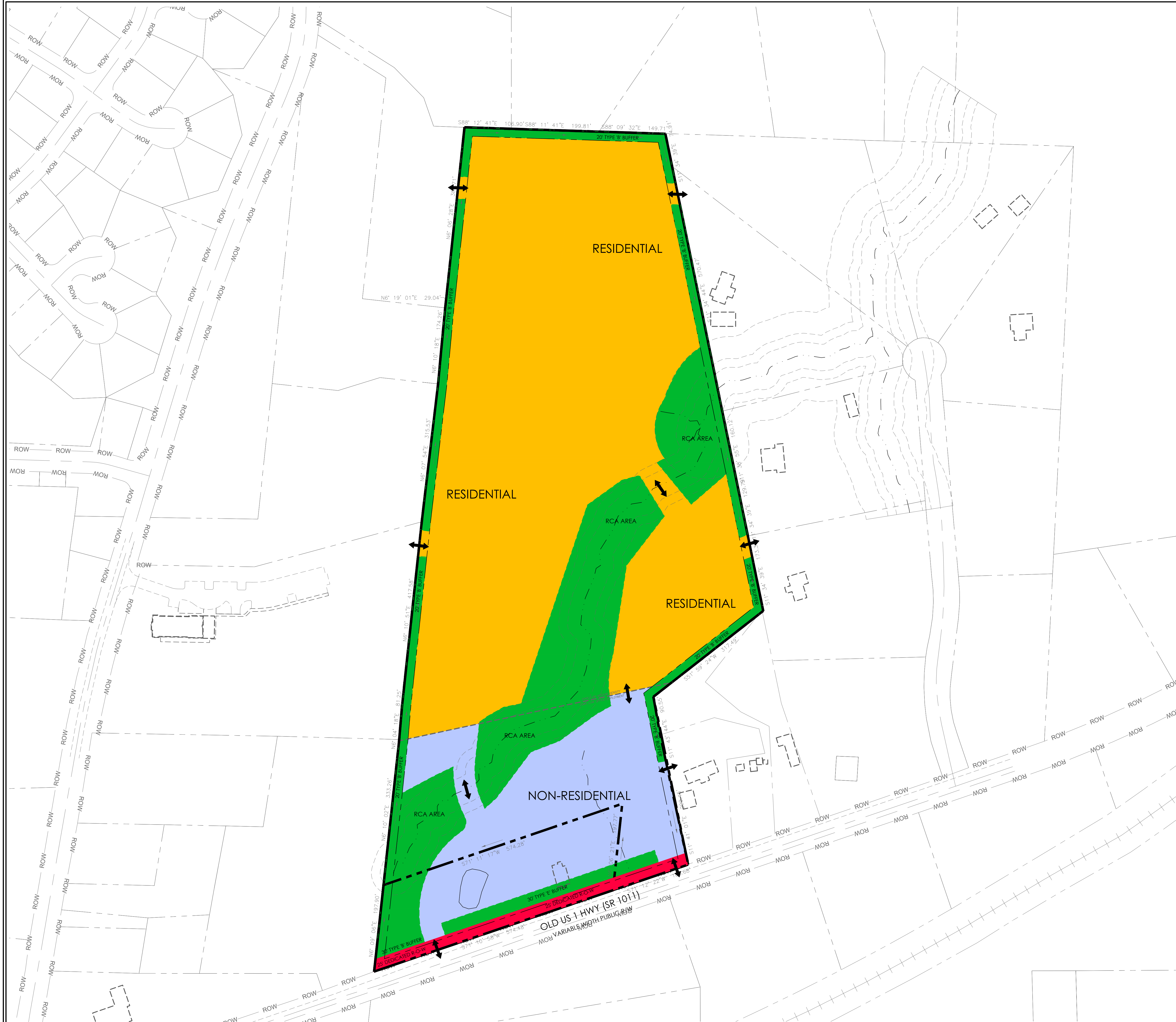
seal:

NO.	DATE	REVISION	BY
1	MARCH 10, 2022	TOWN OF APEX - 1ST ZONING COMMENTS	JR
2	APRIL 8, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	JR
3	APRIL 25, 2022	TOWN OF APEX - 3RD ZONING COMMENTS	JR

title:
EXISTING CONDITIONS

proj #: 190203
date: December 1, 2021
dwg by: chkd by: JE JR
scale: As Noted

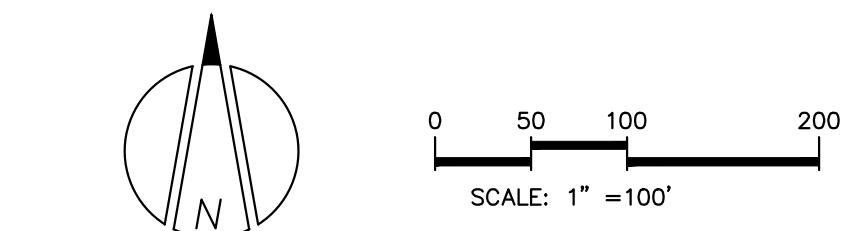
sheet:
C001
SKETCH PLAN



- BUFFERS/RCA/SCMs
- RESIDENTIAL
- NON-RESIDENTIAL
- DEDICATED R-O-W

- PROJECT PERIMETER BOUNDARY
- POTENTIAL ACCESS POINTS

THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY



1 CONCEPTUAL SITE PLAN
C100 SCALE: 1" = 100'

seal:

NO.	DATE	REVISION	BY
1	MARCH 10, 2022	TOWN OF APEX - 1ST ZONING COMMENTS	JR
2	APRIL 8, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	JR
3	APRIL 25, 2022	TOWN OF APEX - 3RD ZONING COMMENTS	JR

title:
CONCEPTUAL SITE PLAN

proj #:
190203

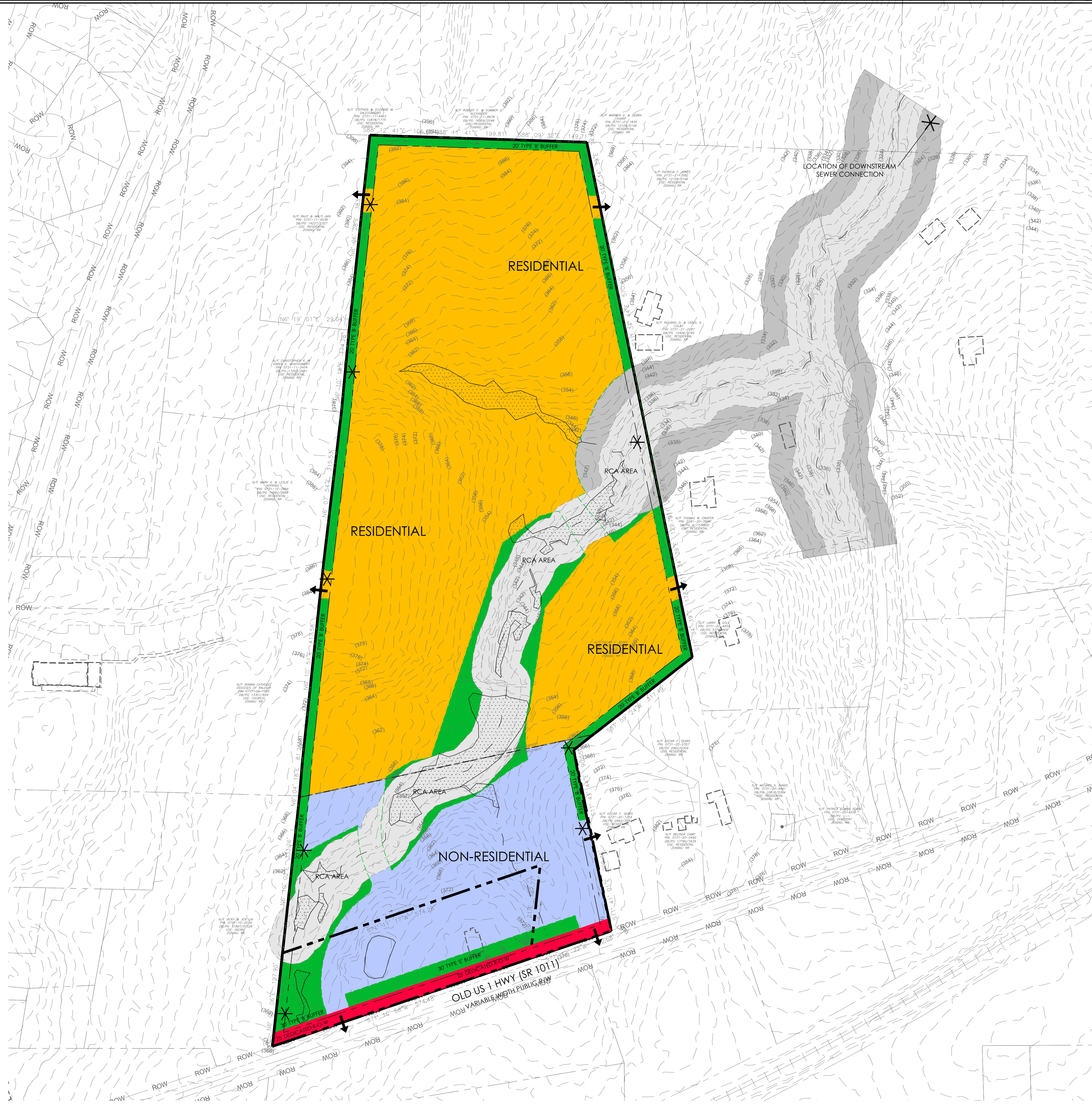
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December 1, 2021

dwg by: chkd by:
JE JR

scale:
As Noted

sheet:

C100
SKETCH PLAN

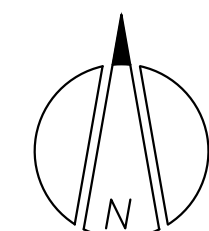


UTILITY NOTES:

1. THE SITE IS REQUESTING FULL TOWN SERVICES - WATER, SEWER AND ELECTRICITY.
2. THIS SITE WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.

- ↑ PROPOSED WATER CONNECTIONS
- ✕ PROPOSED SEWER CONNECTIONS
- PROJECT PERIMETER BOUNDARY

THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY



project:
SEARS PROPERTY PUD
OLD US 1 HWY
BUCKHORN TOWNSHIP
APEX, NORTH CAROLINA 27502

seal:

NO.	DATE	REVISION	BY
1	MARCH 10, 2022	TOWN OF APEX - 1ST ZONING COMMENTS	JR
2	APRIL 8, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	JR
3	APRIL 25, 2022	TOWN OF APEX - 3RD ZONING COMMENTS	JR

title:
CONCEPTUAL UTILITY PLAN

proj #: **190203**
 date: **December 1, 2021**
 dwg by: **chkd by: JE JR**
 scale: **As Noted**
 sheet:

C200

SKETCH PLAN



Building A - East Elevation 3
1/8" = 1'-0"



Building A - North Elevation 2
1/8" = 1'-0"



BUILDING A - NE PERSPECTIVE VIEW 1

Building elevations are for illustrative purposes only



BRICK 1



DARK BRONZE ALUMINUM CANOPY & STOREFRONT

m.look NCore®
The Non Combustible material with the highest degree of architectural freedom and design possibilities for limitless ideas.

m.look NCore offers the unique combination of a non combustible rainscreen material which comes in the full range of 121 colors and decors for unlimited architectural ideas and any building height.

Material in compliance with sections 703.5.1 and 703.5.2 of the 2015 IBC for materials considered non combustible based on code requirements and passing ASTM E136 and E84 test protocol

- ADVANTAGES**
- Large 52 23/64"x137 51/64" panel size
 - Scratch resistant
 - Graffiti resistant
 - Non-porous and easy to clean
 - Easy to install
 - Light weight facade panel
 - Extremely UV and weather resistant
 - Impact resistant
 - Double-hardened, NT® surface
 - 121 colors/decors

- APPLICATIONS**
- Exterior:** rainscreen facades, balcony cladding, soffits, sun protection, fence elements.
- Interior:** wall cladding, ceilings, partitions for offices and restrooms, staircase and handrail infill panels, stairwell and emergency exit cladding.



PHOTO: CHRISTOP LACKNER - ARCHITECT: SUDOP PRANA A.S.



PHOTO: CHRISTOP LACKNER - ARCHITECT: SUDOP PRANA A.S.

HPL WALL PANEL - WOOD LOOK

Building elevations are for illustrative purposes only



65%



35%

BRICK 2 COMBINATION OF TWO BRICK TYPES

Primed for Paint

Size Options

Thickness 0.312"
Weight 2.40 lbs. per square foot
Length 144"

Widths	6.25"	8.25"	12"
Exposures	5"	7"	10.75"
Pcs./Pallet	306	230	152

Widths	5.25"	7.25"	9.25"
Exposures	4"	6"	8"
Pcs./Pallet	360	252	190

CEMENTITIOUS SIDING
JAMES HARDIE LAP SIDING COLOR PER ELEVATIONS



Non-Residential Design Guidelines:

- Buildings shall be arranged to define, create and activate edges and public spaces.
- Every effort shall be made to locate service and loading areas in the rear of the structures. Where these features are located between the building and a public road, they will be designed in such a way that they do not distract from the character of the development and they will be screened in accordance with the UDO.
- Drive-thru lanes, pick-up windows and other like functions shall be allowable if located facing an adjacent street or drive. Landscaping and/or other architectural features should be used to create screening for these types of uses.
- Elevations of building facing a street shall incorporate detailing in keeping with the character and style of other architectural features.
- Elevations of corner buildings shall utilize design features such as variations in wall plane, variation in building mass and window placement to generate street interest.
- Architectural treatments such as varying roof forms, facade articulation, breaks in roof, walls with texture material and ornamental details as well as landscaping shall be incorporated to add visual interest.
- Differences in roof height, pitch, ridgelines and materials may be used to create visual interest and avoid repetition.

Non-residential exteriors shall incorporate variation in materials. The primary (front) facade of the buildings to be considered may include:

- Brick and/or stone masonry
- Decorative concrete block (integral color or textured)
- Stone accents
- Aluminum storefront with anodized or pre-finished colors
- EIFS cornices and parapet trim
- EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to 25% of each building facade
- Precast concrete
- Roof features may include flat roofs with parapet, hip roofs or awings with metal or canvas material
- Soffit and fascia materials to be considered include EIFS with crown trim elements
- Cementitious siding
- Tile
- Heavy Timber accent elements

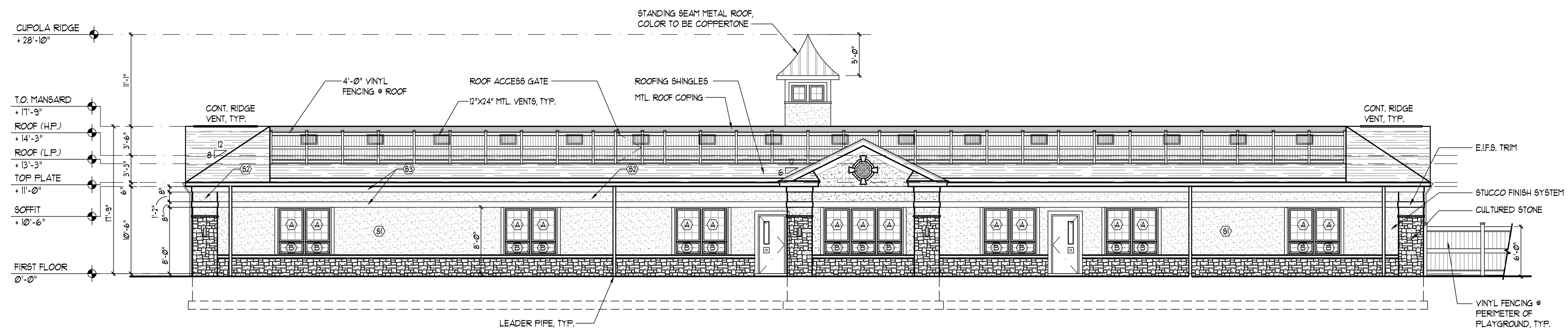
Non-residential buildings visible from the public view shall be constructed with compatible materials. Rear elevations of non-residential buildings facing opaque landscape buffers or not visible from vehicular use areas or public rights-of-way may incorporate decorative concrete masonry, metal coping, and EIFS trim.

Exterior materials that are not allowed as part of the development are as follows:

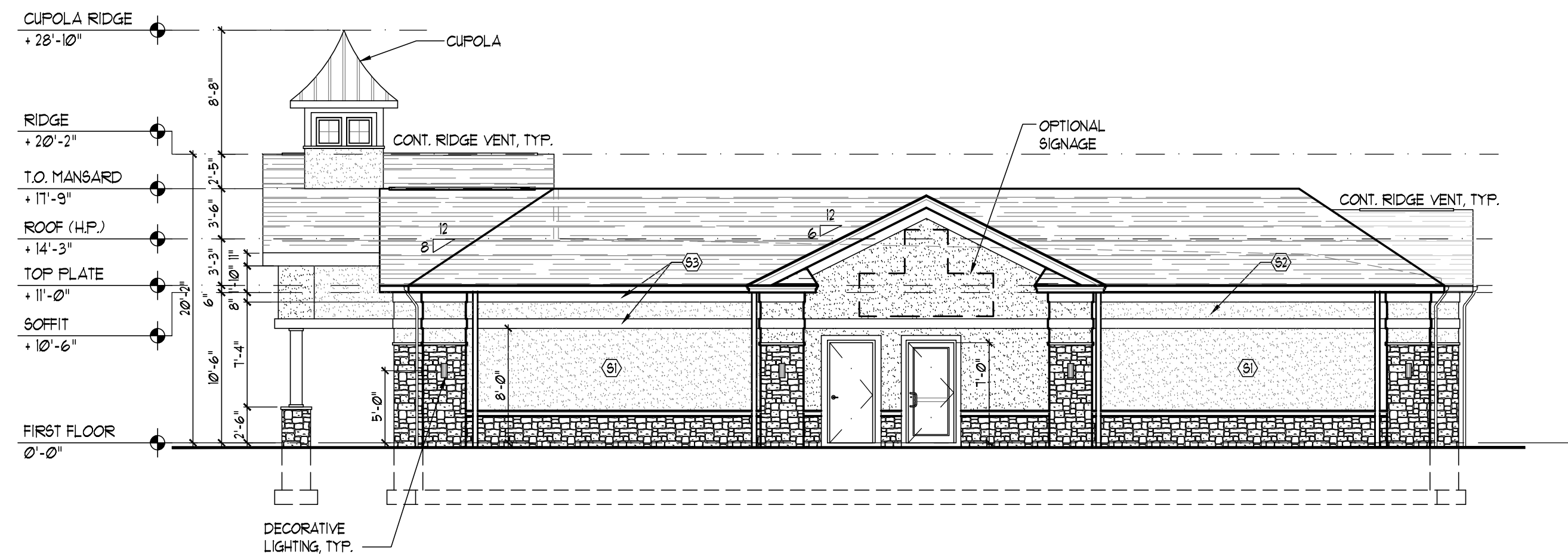
- Vinyl siding
- Painted, smooth faced concrete block
- Metal walls



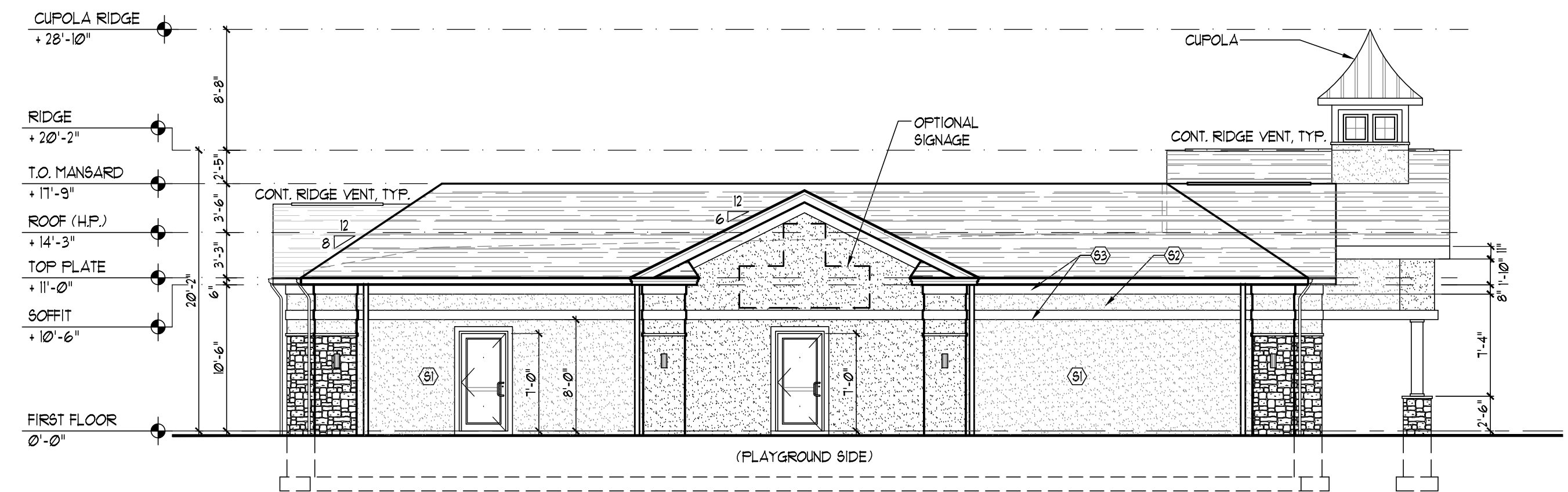
FRONT ELEVATION



REAR ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

Building Elevations are for illustrative purposes only

STUCCO FINISH SCHEDULE		
DESCRIPTION	COLOR	
⑤1 BODY	10611 MOONLIT SAND	
⑤2 ACCENT	32132 SPECTRAL	
⑤3 TRIM	9433 WHITE	

WINDOW SCHEDULE		
MODEL	SIZE	
④ P2840	2'-8" x 4'-0"	
④ AR3	2'-8" x 1'-5"	
④ CN12	1'-9" x 2'-0 5/8"	

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ARCHITECT OF RECORD:

J.A. Mihalik | Architect

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 Fairfield, New Jersey 07004
 ph: 973-291-3730 fax: 973-291-3740
 e: jmihalik@jam-arch.com

JUSTIN A. MIHALIK, AIA
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 NY LIC. # 027468
 PA LIC. # RA402349
 CT LIC. # 10431
 ME LIC. # ARC3180
 MD LIC. # 17519
 NC LIC. # 11821
 FL LIC. # AR 95150
 VA LIC. # 16368

NOT VALID FOR CONSTRUCTION WITHOUT SEAL

**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

Project:

North Carolina
 11,200 Prototype

Developer:

LOT: -
 BLOCK: -

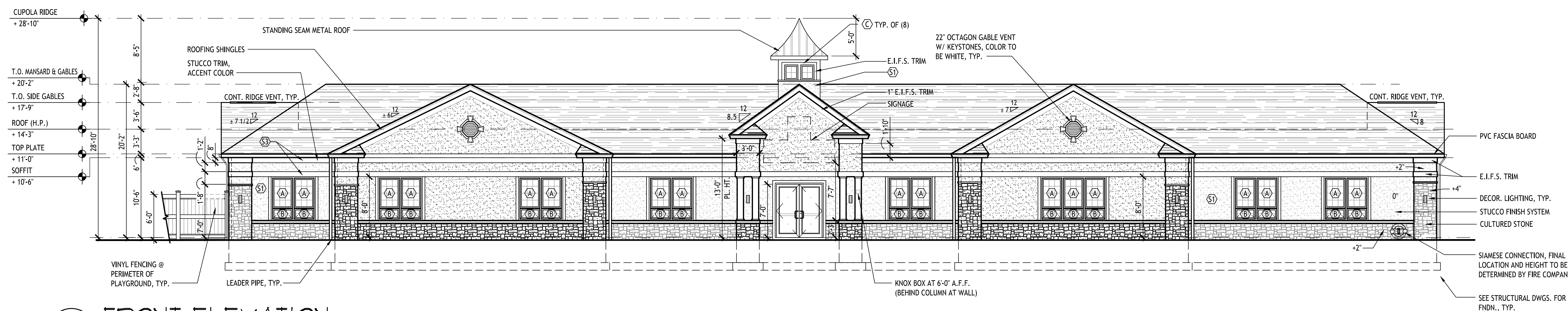
SHEET TITLE:
 BUILDING ELEVATIONS
 SCHEDULES, DETAIL &
 NOTES

Rev. #	Date	Remarks
05/10/2019		ISSUED TO DEVELOPERS
08/13/2018		ISSUED TO DEVELOPER FOR REFERENCE
08/07/2018		PROTOTYPE CHANGES
04/23/2018		ISSUED FOR REVIEW
09/13/2017		ISSUED FOR REVIEW

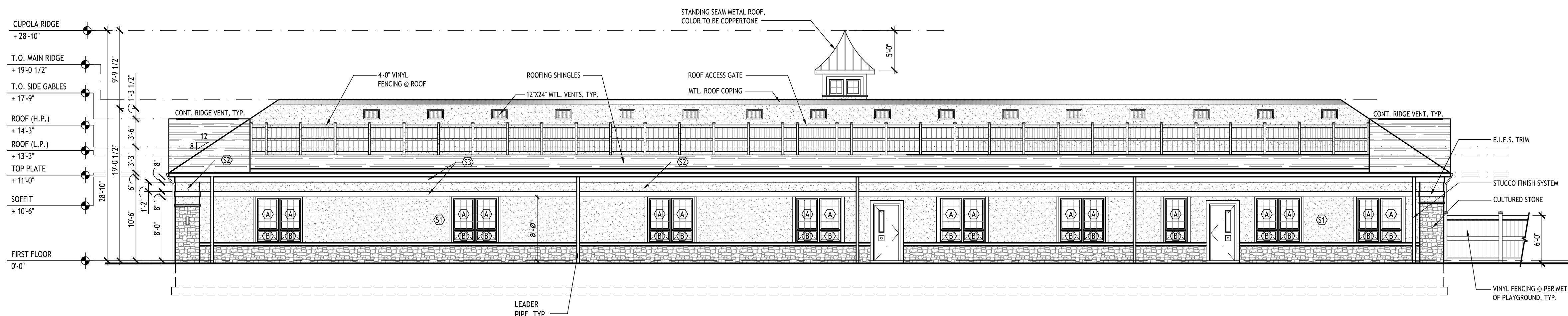
JOB NUMBER: NO PROTOTYPE
 DATE: 09/28/2017
 DRAWN BY: JAM/CJ/KM
 CHECKED BY: JAM

SHEET NO.

PR-3

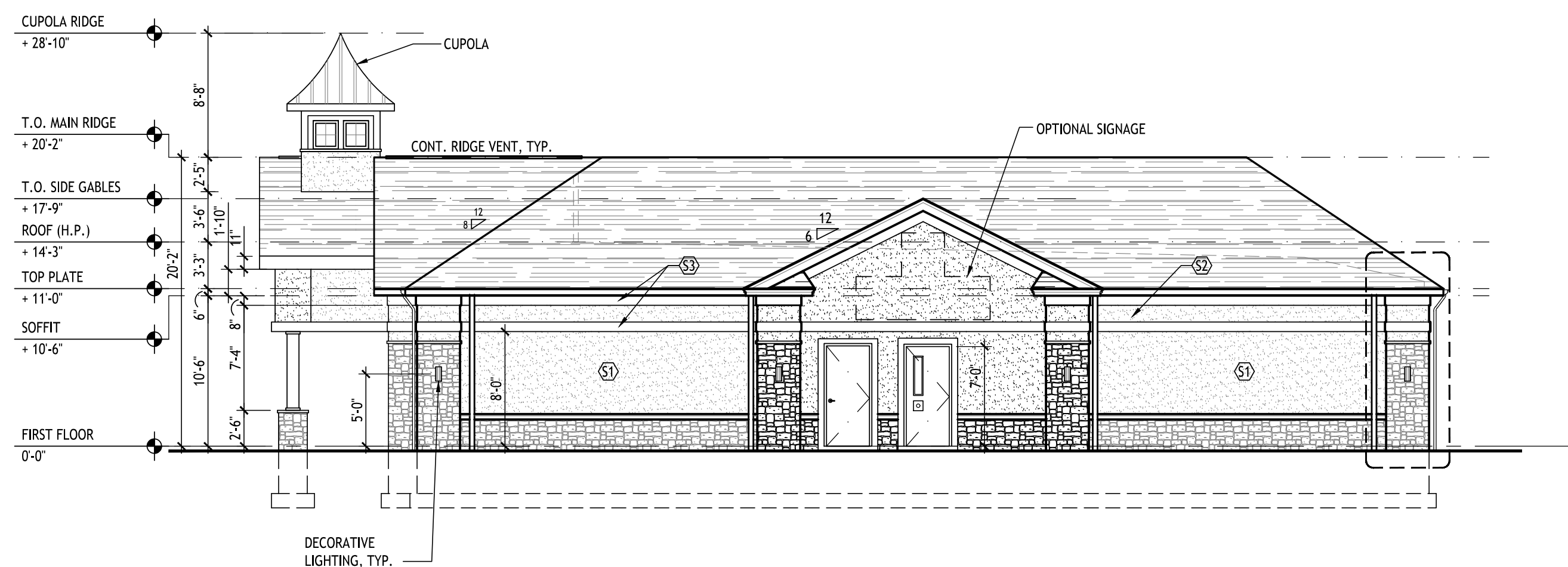


1 FRONT ELEVATION
 SCALE: 1/8" = 1'-0"

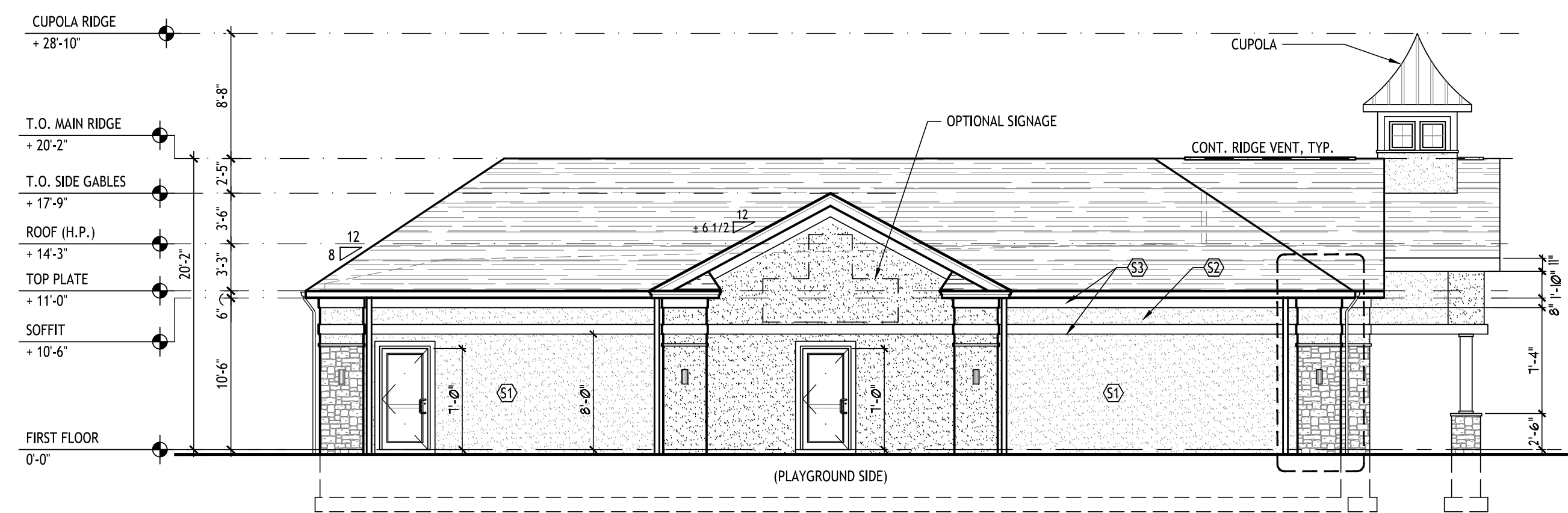


2 REAR ELEVATION (CORE BANKS ST.)
 SCALE: 1/8" = 1'-0"

Building elevations are for illustrative purposes only



3 RIGHT SIDE ELEVATION
 SCALE: 1/8" = 1'-0"



4 LEFT SIDE ELEVATION (CHANTILCLAIR DR.)
 SCALE: 1/8" = 1'-0"

Typical building elevations. Number of units, window configurations, door style, colors, and other architectural standards will vary from townhouse unit to townhouse unit.



Elevations are for
Illustrative purposes only



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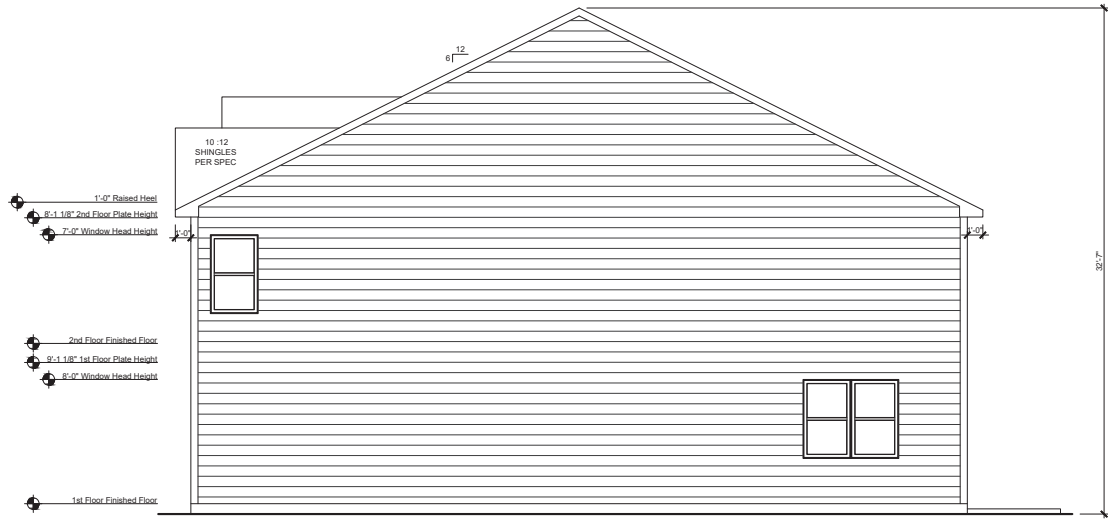


20' NO CAR TH SERIES - SEARS COMMUNITY

FRONT ELEVATION

SCALE: 1/8" = 1'-0"

DATE: 11-4-2021



RIGHT SIDE



LEFT SIDE

Elevations are for illustrative purposes only



20' NO CAR TH SERIES - SEARS COMMUNITY

SIDE ELEVATIONS

SCALE: 1/8" = 1'-0"

DATE: 11-4-2021

2'-11 1/8" 2nd Floor Plate Height
7'-0" Window Head Height

2nd Floor Finished Floor
2'-11 1/8" 1st Floor Plate Height
6'-0" Window Head Height

1st Floor Finished Floor



32'-7"

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illustrative purposes only



20' NO CAR TH SERIES - SEARS COMMUNITY

SCALE: 1/8" = 1'-0"

REAR ELEVATION

DATE: 11-4-2021

Typical building elevations. Number of units, window configurations, door style, colors, and other architectural standards will vary from townhouse unit to townhouse unit.



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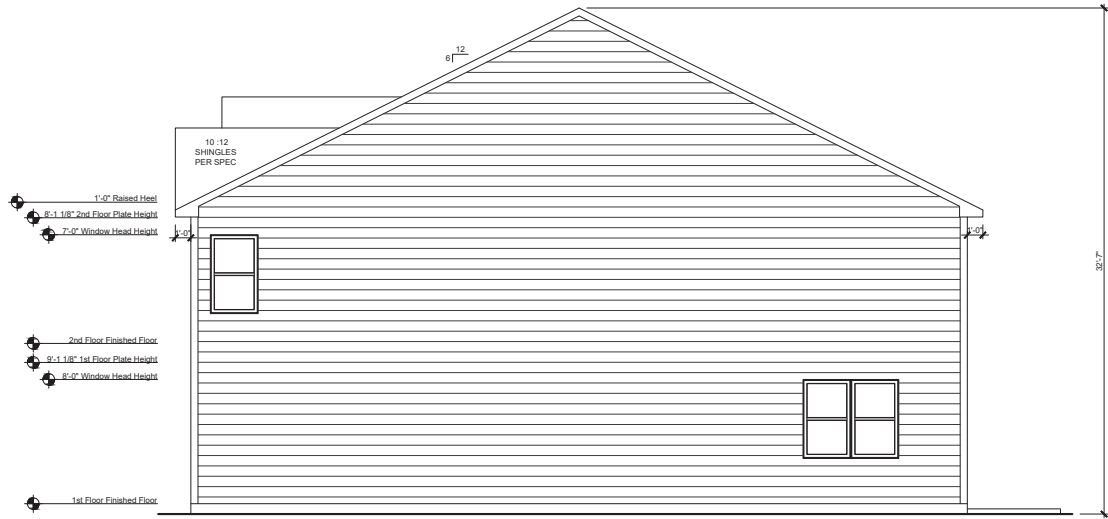


20' NO CAR TH SERIES - SEARS COMMUNITY

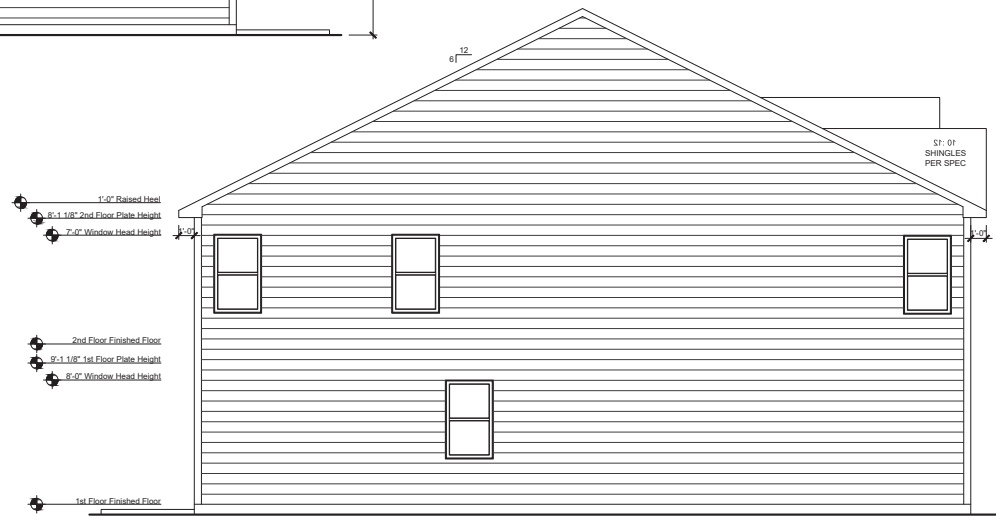
FRONT ELEVATION

SCALE: 1/8" = 1'-0"

DATE: 11-4-2021



RIGHT SIDE



LEFT SIDE

Elevations are for illustrative purposes only



20' NO CAR TH SERIES - SEARS COMMUNITY

SIDE ELEVATIONS

SCALE: 1/8" = 1'-0"

DATE: 11-4-2021

2'-11 1/8" 2nd Floor Plate Height
7'-0" Window Head Height

2nd Floor Finished Floor
2'-11 1/8" 1st Floor Plate Height
6'-0" Window Head Height

1st Floor Finished Floor



32'-7"

Elevations are for
illustrative purposes only



20' NO CAR TH SERIES - SEARS COMMUNITY

SCALE: 1/8" = 1'-0"

REAR ELEVATION

DATE: 11-4-2021