

STAFF REPORT

Rezoning #22CZ17 The Townes at the Station PUD

January 10, 2023 Town Council Meeting



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

BACKGROUND INFORMATION:

Location: 0 Richardson Road; 0 & 3261 Olive Farm Road
Applicant: Charm City Developers, LLC
Authorized Agent: Patrick Kiernan, Jones & Clossen Engineering, PLLC
Owners: Mayberry Investments LLC; 3 Boys Capital LLC, Music Row Investments LLC, & Cone Avenue LLC; 3 Boys Capital LLC & Chatham Capital Group LLC

PROJECT DESCRIPTION:

Acreage: +/- 16.39 acres
PINs: 072042078, 0720484654 (portion of), 0720389121 (portion of)
Current Zoning: Wake County Residential-40 District (R-40W)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
2045 Land Use Map: Medium Density Residential & Protected Open Space
Town Limits: Outside the ETJ & Corporate Limits

ADJACENT ZONING & LAND USES:

| | Zoning | Land Use |
|---------------|---|--|
| North: | Planned Unit Development-Conditional Zoning (PUD-CZ # 18CZ02) | Townhomes (Friendship Station PUD) |
| South: | Wake County Residential-40 District (R-40W) | Vacant |
| East: | Wake County Residential-40 District (R-40W) Rural Residential-Conditional Zoning (RR-CZ #20CZ08) | Vacant; Apex Friendship Elementary School |
| West: | Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ02) | Single-family residential (Friendship Station PUD) |

EXISTING CONDITIONS:

The site consists of three (3) parcels totaling +/- 16.39 acres. The Townes at the Station PUD is located south and east of Friendship Station PUD and west of Apex Friendship Elementary School. The lots are primarily vacant and wooded with a few cleared areas and several large streams throughout. This project is north of Little Beaver Creek and contains a portion of the Little Beaver Creek conservation easement.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on July 28, 2022. The meeting report is attached to the staff report.

2045 LAND USE MAP:

The 2045 Land Use Map designates the site as Medium Density Residential & Protected Open Space. The density is proposed to not exceed 4.6 units per acre, with a maximum of 75 residential units in the area classified as Medium Density Residential. The area classified as Protected Open Space is proposed to remain undeveloped. The proposed rezoning is consistent with the 2045 Land Use Map designations.

WCPSS COORDINATION:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that elementary, middle, and high schools within the current

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assignment area for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five years may address concerns at the high school level. Possible long-term solutions may include capping students out to schools with available seats (not very proximate), reassignments, or calendar changes.

PLANNED UNIT DEVELOPMENT PLAN:

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

Proposed Uses:

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

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

Conditions:

1. Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs. Signs shall be installed in locations that are publicly accessible, such as adjacent to, but outside of, public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.
2. Developer shall install pollinator-friendly and native flora within SCM planting areas; 75% of the species selected shall be native to the eastern US. Species selection shall be approved by the Planning Dept.
3. At least 75% of the plant species used in the landscape design shall be native species.
4. Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.
5. Homeowner Association covenants shall not prohibit clover lawns throughout the neighborhood.
6. A minimum of three (3) pet waste stations shall be installed in HOA common areas.
7. All townhomes shall include solar conduit in the building design to facilitate future installation of roof-mounted solar PV panels.
8. A minimum 4kW solar PV system shall be installed on at least 4 townhomes units within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development.
9. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
10. Any outdoor lighting within HOA maintained areas shall utilize full cutoff fixtures that have a maximum color temperature of 3000K.
11. Sod used within perimeter buffers, SCMs, and along streets (unless within a residential lot) shall not be fescue grasses.
12. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.

Architectural Conditions:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Garage doors must contain windows, decorative details or carriage-style adornments.

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3. House entrances for homes with front facing single-car garages must have a covered porch/stoop area leading to the front door.
4. The garage cannot protrude more than one foot out from the front façade or front porch unless it is a side entry garage.
5. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
6. All windows on a side elevation shall have decorative trim, shutters or shall be a bay window.
7. Roofline cannot be a single mass; it must be broken up either horizontally or vertically between every other unit.
8. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.

Proposed Design Controls:

| | |
|----------------------------|-------------------|
| Overall Maximum Density: | 4.6 units/acre |
| Maximum Residential Units: | 75 |
| Minimum Lot Width: | 18 ft |
| Maximum Building Height: | 45 ft & 3 stories |
| Maximum Built-Upon Area: | 60% |

| Building Setbacks: | Townhomes: |
|-----------------------|--|
| Front: | 15 Ft |
| Side: | End Units: 5 Ft Corner Units: 10 Ft |
| Rear: | 15 Ft |
| Building to building: | 10 Ft |
| From Buffers/RCA: | |
| For buildings: | 10 Ft |
| For parking areas: | 5 Ft |

Note: Minimum driveway length is 20', measured from back edge of sidewalk to garage.

Proposed RCA & Buffers:

The proposed The Townes at the Station PUD complies with the UDO requirements for RCA. Because the project is planned to be mass graded, the applicant is proposing an additional 5% RCA. The PUD will dedicate at least 35% of the total project area for Resource Conservation Area and buffers.

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To demonstrate the project's commitment to preserving and re-establishing tree canopy in our region, the developer seeks to replant and restore existing tree canopy that is removed from those portions of the property that are anticipated to contain single family and townhome lots. To that end, prior to recording the first subdivision plat for the project, the developer shall provide a donation of \$3,000 to a local non-profit organization with a mission towards tree preservation and replacement.

| Buffers: | UDO Requirement: | Proposed: |
|---|------------------|----------------|
| Richardson Road (Thoroughfare): | 30-foot Type B | 30-foot Type B |
| North boundary: | | |
| Adjacent to Apex Friendship Elementary School: | 15-foot Type A | 10-foot Type A |
| Adjacent to Townhomes in Friendship Station Sec. 1 & 2: | 15-foot Type A | 10-foot Type B |
| South boundary: | 10-foot Type B | 10-foot Type B |
| East boundary | | |
| Adjacent to Apex Friendship Elementary School: | 15-foot Type A | 10-foot Type A |
| Adjacent to Other Use Classes: | 10-foot Type B | 10-foot Type B |
| West boundary: (Townhomes in Friendship Station Ph 1B) | 15-foot Type A | 15-foot Type B |

Public Facilities:

The Townes at the Station PUD will be served by Town of Apex water, sanitary sewer, and electrical systems. The utility design will be finalized at Master Subdivision Plan review. A conceptual Utility Plan is included in the PUD Plan for reference. Sewer connections are provided to the south. The ultimate design for the utilities shall meet the current Town of Apex Master Water and Sewer Plans for approval.

The Townes at the Station PUD will meet all applicable requirements and standards as described in Section 6.1 *Watershed Protection Overlay Districts*, of the Town of Apex UDO. This project will meet all stormwater reduction requirements including limiting the post-development stormwater flows to not exceed the pre-development stormwater runoff for the 1-year, 10-year, and 25-year 24-hour storm events.

The Townes at the Station PUD will use approved devices to control the stormwater and sediment runoff. These devices may include detention ponds, retention ponds, bioretention areas or any other approved SCM stormwater control. Stormwater control devices shall be landscaped and constructed to be an amenity to the development and shall blend into the surroundings.

Apex Transportation Plan/Access and Circulation:

Pedestrian Facilities:

For pedestrian connectivity, all public streets shall provide 5' sidewalks on both sides of the road. The Richardson Road extension shall provide a 10' Side Path along the eastern side of the road. The east-west residential street that provides connection to the Richardson Road extension to the west and the street stub to the east shall provide a 10' Side Path along the northern side of the road. This complies with the recent amendment to the Town of Apex Bicycle and Pedestrian System Plan Map. Furthermore, a 10' public greenway will connect to this 10' Side Path in the vicinity of the stream crossing, following along the existing north-south stream buffer until connecting to the existing greenway stub provided with the Friendship Station development to the north, which

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ultimately provides pedestrian connection to Apex Friendship Elementary School. This greenway shall follow the alignment of the existing sewer outfall.

Roadway Infrastructure:

Per the Apex Thoroughfare and Collector Street Plan map, Richardson Road is designated as a future 4-lane median divided thoroughfare. The developer will dedicate right-of-way along their property frontage to meet the requirements shown in Advance Apex. The proposed road section will match the interim road section from the adjacent Friendship Station development, where only the two eastern lanes of the future 4-lane median divided road will be constructed with this project. This project will include the extension of roughly 500' of Richardson Road, a Town of Apex thoroughfare street, as well as an internal road network providing interconnectivity to Richardson Road and the adjacent Friendship Station development.

The residential street that connects to Richardson Road shall be a right-in/right-out entrance in the future when Richardson Road is ultimately widened to include a median. In the interim, the turning movements at this intersection may remain unrestricted. A street stub shall be extended to the Pridgen property to the east (PIN# 0720-58-1790) for possible extension into future development. Interconnectivity with all adjacent properties and roads shall be coordinated with existing or planned rights-of-way. As shown on the PUD Layout Plan (sheet 2), all access points, street stubs, and planned vehicular circulation are conceptual.

Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Master Subdivision Plan review and approval process.

Staff asked the applicant to try and purchase additional land from Mayberry Investments, LLC in order to connect Horton Ridge Boulevard and Richardson Road. Unfortunately, the applicant was unable to obtain that land from the owner.

HOUSING STAFF RECOMMENDATION:

Staff is very proactive in (1) providing affordable housing documentation upfront to applicants, (2) reviewing applicant financial and project documentation and (3) working with applicants early in the process on the affordable housing rezoning condition to determine if there are opportunities to provide affordable units on-site. Currently, the Town has limitations in regards to affordable housing such as:

- (1) the inability to implement and enforce mandatory Inclusionary Housing Zoning,
- (2) no adopted Affordable Housing Incentive Zoning Policy to-date,
- (3) the inability to collect fee-in-lieu of onsite units or a donation to the Affordable Housing Fund, and
- (4) restrictive use of the Town's Affordable Housing Fund per North Carolina General Statutes.

Per North Carolina General Statute §157-3, if the Town chooses to provide financial assistance (i.e. Affordable Housing Fund grant for fee reimbursement), at least 20% of the total housing units within the development must be set-aside as affordable housing units for the exclusive use of persons of low-income earning no more than 60% of the Area Median Income (AMI). This proposed development does not meet the North Carolina General Statute §157-3 threshold and would not qualify to receive financial assistance from the Town's Affordable Housing Fund.

After staff met with the applicant, the applicant agreed to offer the following condition:

Prior to recording the final subdivision plat for the project, the developer shall record with the Wake County Register of Deeds an Option in favor of Habitat for Humanity of Wake County, Inc. ("Habitat Wake") or other non-profit affordable housing provider granting to Habitat Wake an option to purchase a minimum of four (4) townhome lots within the community, with the cost of such lots being the cost that the developer pays for such lots.

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ENVIRONMENTAL ADVISORY BOARD:

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

| EAB Suggested Condition | Applicant's Response |
|--|-------------------------|
| For stormwater management, post-development peak runoff shall not exceed pre-development peak runoff for the 1-year, 10-year, and 25-year 24-hour storm events. | Included |
| Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs. | Included |
| Developer shall install pollinator-friendly and native flora within SCM planting areas. | Included |
| At least 75% of the plant species used in the landscape design shall be native species. | Included |
| Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance. | Included |
| In order to reduce water consumption and promote pollinator friendly habitat and bio-diversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood. | Included |
| A minimum of four (4) pet waste stations shall be installed in HOA common area. | Adjusted-3 are provided |
| All homes shall include solar conduit in the building design to facilitate future rooftop solar installations. | Included |
| Any outdoor lighting within HOA maintained areas shall utilize full cutoff fixtures that have a lighting temperature of 3000K. | Included |
| The developer/builder shall install 29 solar PV systems of a minimum 4.2 kilowatts. | Adjusted* |
| SCM and infrastructure shall not be placed in the stream buffer area, with the exception of Apex utility and greenway easements. | Included |
| Donate to a local non-profit organization with a mission to tree canopy preservation and planting. | Included |

Instead of 29 solar PV systems, the developer is offering that a minimum 4kW solar PV system shall be installed on at least 4 townhomes units within the development. This is approximately 5% of the units.

Parks, Recreation, and Cultural Resources Advisory Commission:

The Parks, Recreation, and Cultural Resources Advisory Commission reviewed the project at their September 28, 2022 meeting and unanimously recommended a fee-in-lieu of dedication, with credit for construction of greenway if an opportunity is identified at the time of Master Subdivision Plan review and approval. The recommendation is based on the Single Family Attached fee rate, which shall be set at the time of rezoning approval by Town Council, and will run with the life of the project unless additional land/units are added to the project.

Per Section 14.2 *Greenways* of the Town of Apex UDO, credit for greenways against fees requires the approval of construction plans, and is contingent upon approval of an engineer's estimate of probable cost for greenway construction.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #22CZ17 Townes at the Station PUD as proposed.

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PLANNING BOARD RECOMMENDATION:

Planning Board held a public hearing at their regularly scheduled meeting on December 12, 2022. The Planning Board unanimously voted to recommend approval of Rezoning Case #22CZ17 The Townes at the Station PUD.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

The 2045 Land Use Map designates the site as Medium Density Residential & Protected Open Space. The density is proposed to not exceed 4.6 units per acre, with a maximum of 75 residential units in the area classified as Medium Density Residential. The area classified as Protected Open Space is proposed to remain undeveloped. The proposed rezoning is consistent with the 2045 Land Use Map designations. The proposed rezoning to Planned Unit Development- Conditional Zoning (PUD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will permit housing that is consistent with surrounding development and provide affordable housing, extension of a Thoroughfare and environmental conditions that exceed what the UDO requires.

PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:

Standards

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

1. Planned Unit Development (PUD-CZ) District

In approving a Planned Development (PD) Zoning District designation for a PUD-CZ, the Town Council shall find the PUD-CZ district designation and PD Plan for PUD-CZ demonstrates compliance with the following standards:

a) Development parameters

- (i)*** The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table*.
- (ii)*** The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.
- (iii)*** The dimensional standards in Sec. 5.1.3 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.

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- (iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.
- (v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.
- (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
- (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.
- b) *Off-street parking and loading.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.
- c) *RCA.* The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 Resource Conservation Area, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than 10% provided that the PD Plan for PUD-CZ includes one or more of the following:
 - (i) A non-residential component;
 - (ii) (ii) An overall density of 7 residential units per acre or more; or
 - (iii) (iii) Environmental measures including but not limited to the following:
 - a. The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;
 - b. The installation of a geothermal system for a certain number or percentage of units within the development; or
 - c. Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).
- d) *Landscaping.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from

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each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.

- e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.
- f) *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision* and Article 14: *Parks, Recreation, Greenways, and Open Space*.
 - (i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.
 - (ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.
 - (iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.
 - (iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.
- g) *Natural resource and environmental protection.* The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.
- h) *Storm water management.* The PD Plan shall demonstrate that the post-development rate of on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.
- i) *Phasing.* The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.
- j) *Consistency with 2045 Land Use Map.* The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town's 2045 Land Use.
- k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

Legislative Considerations

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The Planning Board shall find the Planned Unit Development-Conditional Zoning (PUD-CZ) designation demonstrates compliance with the following standards. 2.3.3(F):

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



Rezoning #22CZ17

Friendship
Station PUD

Apex Friendship
Elementary

Friendship Station

Fairfield Rd

PLANNED UNIT DEVELOPMENT APPLICATION

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

| | | | |
|----------------|---------------|-----------------|------------------|
| Application #: | <u>22CZ17</u> | Submittal Date: | <u>7/29/2022</u> |
| Fee Paid | <u>\$</u> | Check # | <u></u> |

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: The Townes at the Station - PUD

Address(es): 0 Richardson Rd, 0 Olive Farm Rd, 3261 Olive Farm Rd

PIN(s) 0720-49-2078, 0720-48-4654 (partial), 0720-38-9121 (partial)

Acreage: 16.39

Current Zoning: R-40W Proposed Zoning: PUD-CZ

Current 2045 LUM Designation: Medium Density Residential

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

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

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

Applicant Information

Name: Charm City Developers, LLC

Address: 4201 Taylor Hall Place

City: Chapel Hill State: NC Zip: 27517

Phone: (919) 703-6203 E-mail: andrew.ross@floyddevelopment.com

Owner Information

Name: See attached list

Address:

City: State: Zip:

Phone: (919) 703-6203 E-mail: andrew.ross@floyddevelopment.com

Agent Information

Name: Jones & Cnossen Engineering, PLLC - Patrick Kiernan

Address: 221 N. Salem St., Suite 001

City: Apex State: NC Zip: 27502

Phone: (919) 387-1174 E-mail: patrick@jonescnossen.com

Other contacts:

22CZ17

7/29/2022

| SITE ADDRESS | | PIN NUM | OWNER | MAILING ADDRESS | |
|--------------------|------------|-----------------------------|------------------------------------|-----------------------|--------------------------|
| 0 RICHARDSON RD | 0720492078 | 3 BOYS CAPITAL LLC /BY COMR | CHATHAM CAPITAL GROUP LLC /BY COMR | 1018 N WELLONSBURG PL | APEX NC 27502-7127 |
| 0 OLIVE FARM RD | 0720484654 | 3 BOYS CAPITAL LLC | MUSIC ROW INVESTMENTS LLC | 513 CAROLINA OAKS AVE | SMITHFIELD NC 27577-8717 |
| 3261 OLIVE FARM RD | 0720389121 | MAYBERRY INVESTMENTS LLC | | 1122 OBERLIN RD | RALEIGH NC 27605-1275 |

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 22CZ17

Submittal Date: 7/29/2022

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 Land Use Map designates this area for medium density residential, which is not to exceed a density of 6 dwelling units per acre. The proposed project is for a townhome residential community with a density of 5.5 du/ac. Therefore, the proposed rezoning is consistent with the 2045 Land Use Map.

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

The surrounding area has been approved for, and is being built as, residential communities. The Friendship Station PUD that is directly north and directly west of this PUD is planned with similar densities as what is being proposed. The proposed rezoning is compatible with the existing land use pattern for the area.

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

The proposed rezoning establishes development standards for the new community as part of the zoning through the requested PUD district. The standards set forth in the proposed PUD are similar to those established for the adjacent Friendship Station PUD.

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 proposed rezoning is meant to facilitate the development of a community which will be very compatible to the adjacent Friendship Station PUD. Nevertheless this PUD still proposes perimeter landscape buffers to provide a break between projects, as well as a 30' streetscape buffer along Richardson Road

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.

This PUD proposes an additional 5% of resource conservation area compared to normal UDO requirements for a PUD. This PUD also proposes to analyze the 25-year storm for pre vs. post development runoff flows, an upgrade from the state requirement for the 10-year storm.

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.

Because of the surrounding developments, public infrastructure is readily available and was designed with an assumption of future development within this PUD area. This PUD proposes a greenway connection to the Friendship Station PUD to the north, which will complete a greenway connection from Richardson Road to Apex Friendship Elementary.

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 development will add more housing to Apex in an area already planned for growth. Because of it's relative location to the surrounding developments, it should not have an adverse affect on the welfare of the surroundings. The proposed transportation network provides more interconnectivity and another egress option for the neighbors to the north.

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

The only adjacent properties that are not currently undergoing development are the parcels to the east and to the south. To the south is a NC Conservation Easement, which will be completely avoided and protected with this PUD. The residential property to the east is currently vacant and is slated for the same land use as is provided with this PUD.

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 project is surrounded by other developments which are much larger than what is proposed. Moreover, the surrounding developments also will be residential in nature and of a similar density/intensity. As a result, the proposed project is consistent with uses on adjacent properties and is neither a nuisance or a hazard.

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

The proposed rezoning establishes development standards for the new community as part of the zoning through the requested PUD district. The standards set forth in the proposed PUD are similar to those established for the adjacent Friendship Station PUD. Where the PUD doesn't state otherwise, UDO provisions shall apply.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 22CZ17

Submittal Date: 7/29/2022

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 APPLICATIONApplication #: 22CZ17Submittal Date: 7/29/2022**Proposed Subdivision/Development Information**Description of location: 0 Richardson Rd, 0 Olive Farm Rd, 3261 Olive Farm RdNearest intersecting roads: Richardson Rd & Humie Olive RdWake County PIN(s): 0720-49-2078, 0720-48-4654 (partial), 0720-38-9121 (partial)Township: Buckhorn**Contact Information (as appropriate)**Contact person: Jones & Crossen Engineering, PLLC - Patrick KiernanPhone number: 919-387-1174Fax number: 919-387-3375Address: 221 N. Salem St., Suite 001, Apex NC 27502E-mail address: patrick@jonescrossen.comOwner: See attached list

Phone number: _____ Fax number: _____

Address: _____

E-mail address: _____

Proposed Subdivision/Development Name1st Choice: The Townes at the Station2nd Choice (Optional): _____**Town of Apex Staff Approval:**

Town of Apex Planning Department Staff

10/20/2022

Date

22CZ17

7/29/2022

| SITE ADDRESS | | PIN NUM | OWNER | MAILING ADDRESS | |
|--------------------|------------|-----------------------------|------------------------------------|-----------------------|--------------------------|
| 0 RICHARDSON RD | 0720492078 | 3 BOYS CAPITAL LLC /BY COMR | CHATHAM CAPITAL GROUP LLC /BY COMR | 1018 N WELLONSBURG PL | APEX NC 27502-7127 |
| 0 OLIVE FARM RD | 0720484654 | 3 BOYS CAPITAL LLC | MUSIC ROW INVESTMENTS LLC | 513 CAROLINA OAKS AVE | SMITHFIELD NC 27577-8717 |
| 3261 OLIVE FARM RD | 0720389121 | MAYBERRY INVESTMENTS LLC | | 1122 OBERLIN RD | RALEIGH NC 27605-1275 |

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 22CZ17

Submittal Date: 7/29/2022

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Richardson Rd, Olive Farm Rd (partial)
3261 Olive Farm Rd (partial)
(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.

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

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

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

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

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

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

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

ACCEPTED:

CUSTOMER: Charm City Developers, LLC TOWN OF APEX

BY: [Signature]
Authorized Agent

BY: _____
Authorized Agent

DATE: 7/29/22

DATE: _____

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at a point located South 00° 36' 48" East, 392.35 feet from an existing iron stake bearing NAD 83 (2011) coordinate values of North 708,874.64 feet, East 2,024,113.10 feet; thence North 86° 22' 12" West, 99.79 feet to a point; thence North 02° 54' 44" East, 345.62 feet to a point; thence North 86° 57' 05" West, 228.14 feet to a point; thence North 01° 39' 24" West, 49.31 feet to a point; thence North 86° 09' 57" West, 90.07 feet to a point; thence North 17° 28' 12" East, 475.39 feet to a point; thence South 79° 07' 59" East, 1032.02 feet to a point; thence South 01° 12' 13" West, 235.44 feet to a point; thence South 01° 10' 12" East, 320.06 feet to a point; thence South 80° 48' 31" West, 766.52 feet to the BEGINNING, containing 16.3895 total acres more or less.

This description is of that certain parcel described in D.B. 18826, Pg. 1922 (less and except the 513 square foot overlap as shown on B.M. 2003, Pg. 76), a portion of that certain parcel described in D.B. 17262, Pg. 1521, and a portion of that certain parcel described in D.B. 17080, Pg. 1036. This description is also being all of Wake County PIN 0720-49-2078, a portion of Wake County PIN 0720-48-4654, and a portion of Wake County PIN 0720-38-9121.

This description prepared for the sole purpose to annex a municipal boundary and for no other use.

PRELIMINARY

AGENT AUTHORIZATION FORM

Application #: 22CZ17

Submittal Date: 7/29/2022

3 Boys Capital LLC & Chatham Capital Group LLC is the owner* of the property for which the attached application is being submitted:

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

The property address is: 0 Richardson Road

The agent for this project is: Jones & Crossen Engineering, PLLC

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


Agent Name: Patrick Kiernan

Address: 221 N Salem St., Suite 001, Apex NC 27502


Telephone Number: 919-387-1174

E-Mail Address: patrick@jonescrossen.com

Signature(s) of Owner(s)*


Kristen Syers
Type or print name

7/14/22
Date


Eric V. Brownlee
Type or print name

7/26/22
Date

Attach additional sheets if there are additional owners.

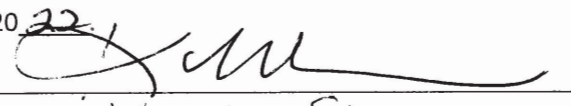
*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

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 OWNERSHIPApplication #: 22CZ17Submittal Date: 7/29/2022

The undersigned, 3 Boys Capital LLC (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

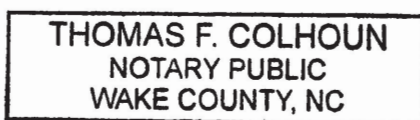
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Richardson Rd (0720-49-2078) and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "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 12/03/21, and recorded in the Wake County Register of Deeds Office on 12/03/21, in Book 018826 Page 01922-01924.
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 12/03/21, 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 12/03/21, 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 14 day of July, 2022,
 (seal)
Kristen Styers
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 Kristen Styers, 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
Notary Public
State of North Carolina
My Commission Expires: 10/25/2025

AFFIDAVIT OF OWNERSHIP

Application #: 22C717

Submittal Date: 7/29/2022

The undersigned, Chatham Capital Group LLC (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 Richardson Rd (0720-49-2078) 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 12/03/2021, and recorded in the Wake County Register of Deeds Office on 12/03/2021, in Book 018826 Page 01922-01924.
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 12/03/21, 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 12/03/21, 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 26 day of July, 2022.

Eric V. Brownlee

(seal)

Eric V. Brownlee

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 Eric V. Brownlee, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Driver's License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Laura G. Ward

Notary Public

State of North Carolina

My Commission Expires: 6/17/2026

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ17

Submittal Date: 7/29/2022

Insert legal description below.

Smith & Smith Surveyors, P.A.

P.O. Box 457

Apex, N.C. 27502

(919) 362-7111

Firm License No. C-0155

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an existing iron stake bearing NAD 83 (2011) coordinate values of North 708,874.64 feet, East 2,024,113.10 feet; thence North 86° 09' 57" West, 397.83 feet to a point; thence North 17° 28' 12" East, 475.39 feet to a point; thence South 79° 07' 59" East, 1032.02 feet to a point; thence South 01° 12' 13" West, 235.44 feet to a point; thence South 01° 10' 12" East, 97.38 feet to a point; thence North 86° 25' 30" West, 757.80 feet to the BEGINNING, containing 10.0063 total acres more or less.

This description is of that certain parcel described in D.B. 18826, Pg. 1922 (less and except the 513 square foot overlap as shown on B.M. 2003, Pg. 76) and also being Wake County PIN 0720-49-2078.

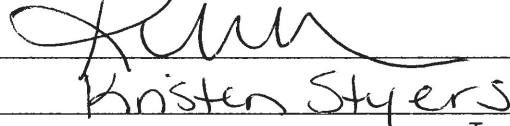
PRELIMINARY

AGENT AUTHORIZATION FORMApplication #: 22CZ17Submittal Date: 7/29/20223 Boys Capital LLC, Music Row Investments LLC & Cone Avenue LLCis the owner* of the property for which the attached application is being submitted:

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

The property address is: 0 Olive Farm RdThe agent for this project is: Jones & Cnossen Engineering, PLLC☐ I am the owner of the property and will be acting as my own agentAgent Name: Patrick KiernanAddress: 221 N. Salem St., Suite 001, Apex NC 27502Telephone Number: 919-387-1174E-Mail Address: patrick@jonescnossen.com


Signature(s) of Owner(s)*


Kristen Styers

Type or print name

7/14/22

Date


Eric V. Brownlee

Type or print name

7/25/22

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 #: 22CZ17

Submittal Date: 7/29/2022

The undersigned, 3 Boys Capital LLC (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

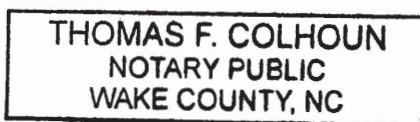
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Olive Farm Rd (0720-48-4654) and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "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 10/04/18, and recorded in the Wake County Register of Deeds Office on 10/08/18, in Book 017262 Page 01521-01523.
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 10/04/18, 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 10/04/18, 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 14 day of July, 2022

Kristen Styers (seal)
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 Kristen Styers, 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
Notary Public
State of North Carolina
My Commission Expires: 10/25/2025

AFFIDAVIT OF OWNERSHIP

Application #: 22CZ17

Submittal Date: 7/29/2022

The undersigned, Music Row Investments LLC (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 Olive Farm Rd (0720-48-4654) 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 10/04/18, and recorded in the Wake County Register of Deeds Office on 10/08/18, in Book 017262 Page 01521-01523.
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 10/04/18, 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 10/04/18, 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 26 day of July, 2022.

Eric V. Brownlee (seal)
Eric V. Brownlee

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 Eric V. Brownlee Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Driver's license, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Laura G. Ward

Notary Public

State of North Carolina

My Commission Expires: 6/17/2026

AFFIDAVIT OF OWNERSHIP

Application #: 22CZ17

Submittal Date: 7/29/2022

The undersigned, Cone Avenue LLC (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 Olive Farm Rd (0720-48-4654) 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 10/04/18, and recorded in the Wake County Register of Deeds Office on 10/08/18, in Book 017262 Page 01521-01523.
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 10/04/18, 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 10/04/18, 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 26 day of July, 2022.

Eric V. Brownlee (seal)

Eric V. Brownlee

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 Eric V. Brownlee, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Driver's license, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Laura G. Ward

Notary Public

State of North Carolina

My Commission Expires: 6/17/2026

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ17

Submittal Date: 7/29/2022

Insert legal description below.

Smith & Smith Surveyors, P.A.

P.O. Box 457

Apex, N.C. 27502

(919) 362-7111

Firm License No. C-0155

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an existing iron stake bearing NAD 83 (2011) coordinate values of North 708,874.64 feet, East 2,024,113.10 feet; thence South 86° 25' 30" East, 757.80 feet to a point; thence South 01° 10' 12" East, 557.17 feet to a point; thence South 89° 07' 04" West, 761.20 feet to a point; thence North 00° 36' 48" West, 616.06 feet to the BEGINNING, containing 10.2126 total acres more or less.

This description is of that certain parcel described in D.B. 17262, Pg. 1521 and also being Wake County PIN 0720-48-4654.

PRELIMINARY

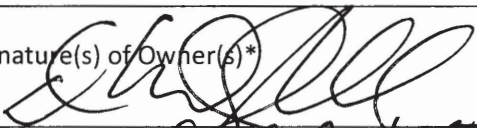
AGENT AUTHORIZATION FORMApplication #: 22CZ17Submittal Date: 7/29/2022

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

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

The property address is: 3261 Olive Farm RdThe agent for this project is: Jones & Crossen Engineering, PLLC☐ I am the owner of the property and will be acting as my own agentAgent Name: Patrick KiernanAddress: 221 N. Salem St., Suite 001, Apex NC 27502Telephone Number: 919-387-1174E-Mail Address: patrick@jonescrossen.com

Signature(s) of Owner(s)*


D. McQuinn Type or print name7/18/22
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.

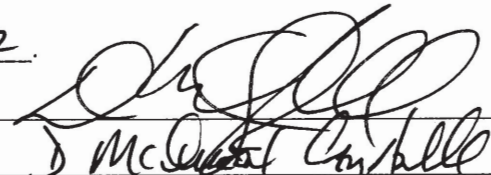
Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. 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 OWNERSHIPApplication #: 22CZ17Submittal Date: 7/29/2022

The undersigned, Mayberry Investments LLC (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 3261 Olive Farm Rd 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 03/27/2018, and recorded in the Wake County Register of Deeds Office on 03/27/2018, in Book 01780 Page 01036-01037.
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 03/27/2018, 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 03/27/2018, 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.

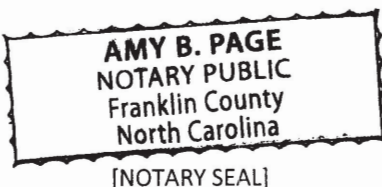
This the 18 day of July, 2022.

 (seal)
P. McQueen Campbell III
 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 P. McQueen Campbell III, 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.



Amy B. Page
 Notary Public
 State of North Carolina
 My Commission Expires: May 6, 2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ17

Submittal Date: 7/29/2022

Insert legal description below.

Smith & Smith Surveyors, P.A.

P.O. Box 457

Apex, N.C. 27502

(919) 362-7111

Firm License No. C-0155

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an existing iron stake bearing NAD 83 (2011) coordinate values of North 708,874.64 feet, East 2,024,113.10 feet; thence South 00° 36' 58" East, 616.00 feet to a point; thence North 89° 07' 09" East, 761.15 feet to a point; thence South 01° 10' 02" East, 306.04 feet to a point; thence North 85° 28' 15" West, 670.56 feet to a point; thence South 26° 56' 48" East, 12.50 feet to a point; thence South 77° 26' 28" East, 18.37 feet to a point; thence South 20° 38' 33" East, 59.79 feet to a point; thence South 34° 07' 04" East, 18.33 feet to a point; thence South 60° 29' 53" East, 16.47 feet to a point; thence South 21° 42' 42" East, 27.19 feet to a point; thence South 57° 00' 57" East, 10.74 feet to a point; thence South 02° 09' 17" East, 11.16 feet to a point; thence South 46° 36' 50" West, 13.17 feet to a point; thence South 24° 21' 24" West, 30.05 feet to a point; thence South 37° 57' 55" West, 19.51 feet to a point; thence South 55° 37' 33" West, 14.47 feet to a point; thence North 89° 00' 55" West, 11.39 feet to a point; thence South 46° 18' 38" West, 7.96 feet to a point; thence South 02° 56' 22" West, 13.82 feet to a point; thence South 79° 27' 53" West, 842.31 feet to a point; thence South 79° 46' 27" West, 259.31 feet to a point; thence North 02° 29' 53" East, 514.61 feet to a point; thence North 80° 54' 30" East, 119.41 feet to a point; thence North 78° 21' 47" East, 535.32 feet to a point; thence North 01° 39' 54" West, 652.95 feet to a point; thence South 86° 09' 49" East, 307.84 feet to the BEGINNING, containing 20.9700 total acres more or less.

This description is of that certain parcel described in D.B. 17080, Pg. 1036 (Tract 2 ~ B.M. 2017, Pg. 254) and also being Wake County PIN 0720-38-9121.

PRELIMINARY

| Developer Company Information | |
|---------------------------------------|----------------------------------|
| Company Name | Charm City Developers, LLC |
| Company Phone Number | (919) 703-6203 |
| Developer Representative Name | Andrew Ross |
| Developer Representative Phone Number | (919) 703-6203 |
| Developer Representative Email | andrew.ross@floyddevelopment.com |

| New Residential Subdivision Information | |
|---|--|
| Date of Application for Subdivision | August 01, 2022 |
| City, Town or Wake County Jurisdiction | Apex |
| Name of Subdivision | The Townes at the Station |
| Address of Subdivision (if unknown enter nearest cross streets) | 0 Richardson Rd, 0 Olive Farm Rd, 3261 Olive Farm Rd |
| REID(s) | 0310486, 0115622, 0052034 |
| PIN(s) | 0720-49-2078, 0720-48-4654 (partial), 0720-38-9121 (partial) |

| Projected Dates Information | |
|--|--|
| Subdivision Completion Date | |
| Subdivision Projected First Occupancy Date | |

| Lot by Lot Development <i>Information</i> | | | | | | | | | | | | | | | | | |
|---|------------------|---------------|--------|-----------|-----------|-----------|-----------|-------------------|-------|-------------|------|--------------------------------------|---------|------|---------|------|---------|
| Unit Type | Total # of Units | Senior Living | Studio | 1 Bedroom | 2 Bedroom | 3 Bedroom | 4 Bedroom | Square Foot Range | | Price Range | | Anticipated Completion Units & Dates | | | | | |
| | | | | | | | | Min | Max | Low | High | Year | # Units | Year | # Units | Year | # Units |
| Single Family | | | | | | | | | | | | | | | | | |
| Townhomes | 90 | | | | | 90 | | 2,200 | 3,100 | | | 2024 | 90 | | | | |
| Condos | | | | | | | | | | | | | | | | | |
| Apartments | | | | | | | | | | | | | | | | | |
| Other | | | | | | | | | | | | | | | | | |

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

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

Please send any questions about this form to:

studentassignment-gis-group@wcpss.net

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.

July 13, 2022

Date

Dear Neighbor:

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

0 Richardson Rd; 0 Olive Farm Rd

0720-492-078; 0720-484-654

3261 Olive Farm Rd (partial)

0720-389-121 (partial)

Address(es)

PIN(s)

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

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

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

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

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

The parcels are currently zoned R-40W. We are proposing a change in zoning to Planned Unit

Development Conditional Zoning (PUD-CZ). The intent for this rezoning is to facilitate the development of a

townhome subdivision. The Land Use Designation for these parcels shall be Medium Density Residential.

Estimated submittal date: August 1, 2022

MEETING INFORMATION:

Property Owner(s) name(s): See attached list

Applicant(s): Jones & Cnossen Engineering, PLLC

Contact information (email/phone): patrick@jonescnossen.com/919-387-1174

Meeting Address: Zoom Meeting - see enclosed details

Date/Time of meeting**: July 28, 2022 6:00 pm - 8:00 pm

Welcome: 6:00 pm Project Presentation: 6:00-6:15 pm Question & Answer: 6:15 pm-8:00 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>.

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: The Townes at the Station Zoning: PUD-CZ

Location: 0 Richardson Rd, 0 Olive Farm Rd, 3261 Olive Farm Rd

Property PIN(s): 0720-492-078, 0720-484-654, 0720-389-121 (partial) Acreage/Square Feet: approx 16.4

Property Owner: See attached list

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Developer: KC2 Enterprises LLC

Address: 218 Edinburgh Dr.

City: Cary State: NC Zip: 27511

Phone: 919-427-7106 Fax: _____ Email: brad.zadell@gmail.com

Engineer: Jones & Cnossen Engineering, PLLC

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: 919-387-3375 Email: patrick@jonescnossen.com

Builder (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

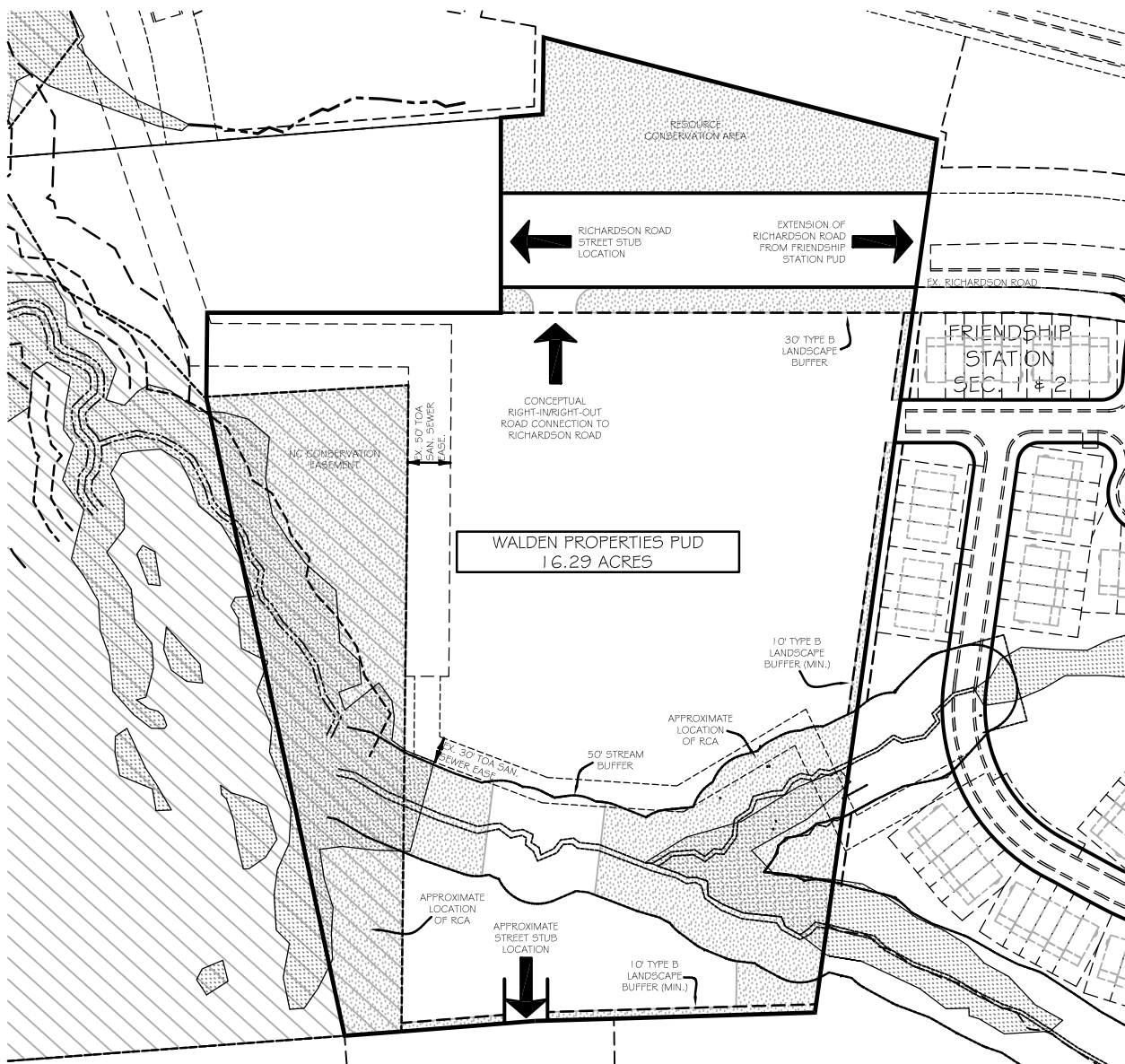
Phone: _____ Fax: _____ Email: _____

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

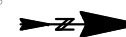
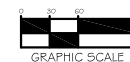
Town of Apex Department Contacts

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

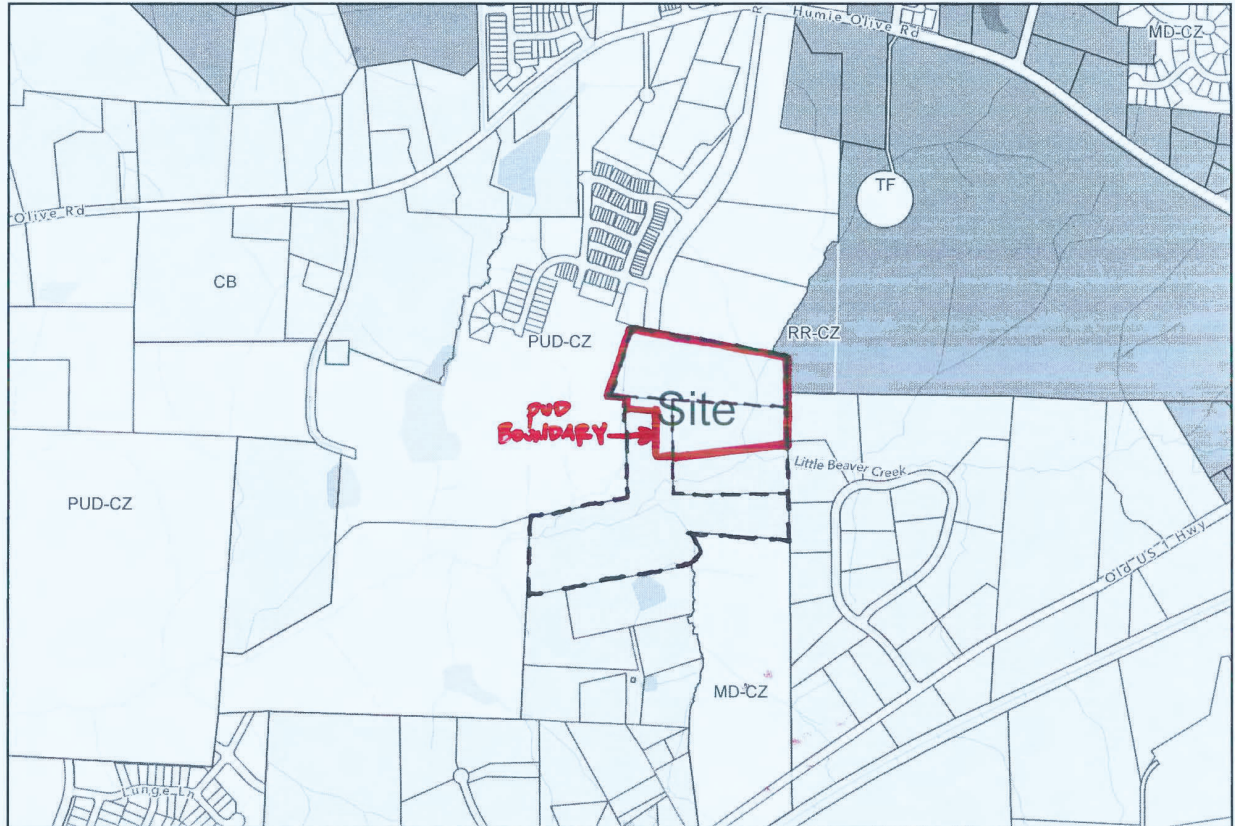
THIS SHEET IS FOR
ILLUSTRATIVE PURPOSES ONLY



PRELIMINARY PLANS
NOT FOR CONSTRUCTION



| SITE ADDRESS | PIN NUM | OWNER | MAILING ADDRESS |
|--------------------|------------|--|--|
| 0 RICHARDSON RD | 0720492078 | 3 BOYS CAPITAL LLC /BY COMR CHATHAM CAPITAL GROUP LLC /BY COMR | 1018 N WELLONSBURG PL APEX NC 27502-7127 |
| 0 OLIVE FARM RD | 0720484654 | 3 BOYS CAPITAL LLC MUSIC ROW INVESTMENTS LLC | 513 CAROLINA OAKS AVE SMITHFIELD NC 27577-8717 |
| 3261 OLIVE FARM RD | 0720389121 | MAYBERRY INVESTMENTS LLC | 1122 OBERLIN RD RALEIGH NC 27605-1275 |



0 400 800 1600 ft
1 inch equals 800 feet

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

Zoom Meeting Details – The Townes at the Station PUD

When: **July 28, 2022 06:00 PM Eastern Time**

[Register](#) in advance for this meeting:

Zoom.us

Enter the Meeting ID **821 2162 5152** and the Passcode **571924**

The Meeting Registration form will request your First and Last Name, email address and Address to help us with attendance at the meeting.

After registering, you will receive a confirmation email containing information about joining the meeting.

If you prefer to dial-in to the meeting, dial (301) 715-8592 or (312) 626-6799 and enter the Meeting ID and Passcode.

If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office.

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

| | | |
|------------------------------|------------------------|---------------------|
| Construction Traffic: | James Misciagno | 919-372-7470 |
|------------------------------|------------------------|---------------------|

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

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

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

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

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

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

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

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

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

| | | |
|--------------|------------------------|---------------------|
| Dust: | James Misciagno | 919-372-7470 |
|--------------|------------------------|---------------------|

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

| | | |
|---------------|------------------------|---------------------|
| Trash: | James Misciagno | 919-372-7470 |
|---------------|------------------------|---------------------|

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

| | | |
|-----------------------------------|------------------------|---------------------|
| Temporary Sediment Basins: | James Misciagno | 919-372-7470 |
|-----------------------------------|------------------------|---------------------|

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

| | | |
|-------------------------------------|----------------------|---------------------|
| Stormwater Control Measures: | Jessica Bolin | 919-249-3537 |
|-------------------------------------|----------------------|---------------------|

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

| | | |
|---------------------------------------|---------------------|---------------------|
| Electric Utility Installation: | Rodney Smith | 919-249-3342 |
|---------------------------------------|---------------------|---------------------|

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

| SITE ADDRESS | PIN NUM | OWNER | MAILING ADDRESS | |
|---------------------|------------|--|------------------------|---------------------------|
| 0 RICHARDSON RD | 0720492078 | 3 BOYS CAPITAL LLC /BY COMR CHATHAM CAPITAL GROUP LLC /BY COMR | 1018 N WELLONSBURG PL | APEX NC 27502-7127 |
| 0 OLIVE FARM RD | 0720484654 | 3 BOYS CAPITAL LLC MUSIC ROW INVESTMENTS LLC | 513 CAROLINA OAKS AVE | SMITHFIELD NC 27577-8717 |
| 2304 OLD US 1 HWY | 0720475059 | APEX OLIVE LLC | PO BOX 3557 | CARY NC 27519-3557 |
| 3135 OLIVE FARM RD | 0720273337 | FRIENDSHIP STATION HOLDINGS LLC | 4201 TAYLOR HALL PL | CHAPEL HILL NC 27517-7439 |
| 3200 HINSLEY RD | 0720378505 | HARWARD, JOHN R HARWARD, CAROLYN C | 3200 HINSLEY RD | NEW HILL NC 27562-8977 |
| 3208 HINSLEY RD | 0720373332 | HINSLEY, JOHNNY L HINSLEY, MARTHA E | 3304 HINSLEY RD | NEW HILL NC 27562-8979 |
| 4713 FAIRFIELD RD | 0720570776 | JACKSON, REX L JACKSON, DEBORAH C | 4713 FAIRFIELD RD | NEW HILL NC 27562-9729 |
| 8004 HUMIE OLIVE RD | 0720288797 | M/I HOMES OF RALEIGH LLC | 1511 SUNDAY DR STE 100 | RALEIGH NC 27607-5195 |
| 3261 OLIVE FARM RD | 0720389121 | MAYBERRY INVESTMENTS LLC | 1122 OBERLIN RD | RALEIGH NC 27605-1275 |
| 4717 FAIRFIELD RD | 0720580084 | MCDOWELL, JOHN M | 42 FAIRFIELD CT | ANGIER NC 27501-6558 |
| 4725 FAIRFIELD RD | 0720581790 | PRIDGEN, WILLIAM PRIDGEN, DONNA | 108 FOX CT | CARY NC 27513-4920 |
| 4721 FAIRFIELD RD | 0720580399 | SATTIRAJU, SHILPA THOUTREDDY, TARUN | 4721 FAIRFIELD RD | NEW HILL NC 27562-9729 |
| 7801 HUMIE OLIVE RD | 0720694728 | THE WAKE COUNTY BOARD OF EDUCATION | ATTN: BETTY L PARKER | 111 CORNING RD STE 100 |
| | | APEX TOWN OF | PO BOX 250 | APEX NC 27502-0250 |
| | | Current Tenant | 3208 Hinsley RD | NEW HILL NC 27562 |
| | | Current Tenant | 3113 Olive Farm RD | APEX NC 27502 |
| | | Current Tenant | 3136 Olive Farm RD | APEX NC 27502 |

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

Date of meeting: July 28, 2022 Time of meeting: 6:00 - 8:00 pm

Property Owner(s) name(s): 3 Boys Capital LLC, Chatham Capital Group LLC, Music Row Investments LLC, Cone Avenue LLC, Mayberry Investments LLC

Applicant(s): Jones & Cossen Engineering, PLLC

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. | Kylor Zedell | 401 W Hargett St. | | | |
| 2. | Kira Parker | 1511 Sunday Dr | | | |
| 3. | Patrick Kiernan | 221 N Salem St. Ste 001 | | | |
| 4. | | | | | |
| 5. | | | | | |
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| 11. | | | | | |
| 12. | | | | | |
| 13. | | | | | |
| 14. | | | | | |

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): 3 Boys Capital LLC, Chatham Capital Group LLC, Music Row Investments LLC, Cone Avenue LLC, Mayberry Investments LLC

Applicant(s): Jones & Crossen Engineering, PLLC

Contact information (email/phone): patrick@jonescrossen.com/919-387-1174

Meeting Address: Zoom meeting

Date of meeting: July 28, 2022 Time of meeting: 6:00 - 8:00 pm

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

Question/Concern #1:

Based on the layout, it looks like Richardson Road will be extended for this project - is that correct?

Applicant's Response:

That's correct, Richardson Road will be extended roughly 500 feet south.

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

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

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

I, Patrick Kiernan, 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 via Zoom (location/address)
on July 28, 2022 (date) from 6:00 pm (start time) to 8:00 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.

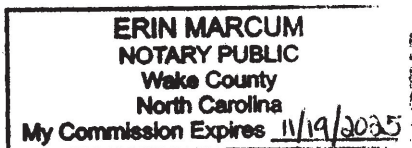
7/29/22
Date

By: Patrick Kiernan

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 29th day of July, 2022.

SEAL



Erin Marcum
Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2025

PD PLAN

The Townes at the Station A PLANNED UNIT DEVELOPMENT

APEX, NORTH CAROLINA

OWNER/DEVELOPER:

CHARM CITY DEVELOPERS, LLC

August 1, 2022

Revised: September 9, 2022

Revised: October 14, 2022

Revised: November 3, 2022

Revised: December 6, 2022

Jones & Clossen Engineering, PLLC

221 N. Salem Street, Suite 001

P.O. Box 1062

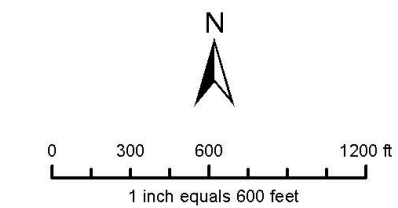
Apex, NC 27502

(919)387-1174

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SECTION 2 – VICINITY MAP



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

SECTION 3 – PROJECT DATA

- A. Project name: The Townes at the Station – PUD
- B. Owner/Developer: Charm City Developers, LLC
4201 Taylor Hall Pl. – Chapel Hill, NC 27517
- C. Prepared by: Jones & Clossen Engineering, PLLC
221 N. Salem Street, Ste. 001 – Apex, NC, 27502
- D. Designated Single Point of Contact:
Patrick L. Kiernan (Jones & Clossen Engineering, PLLC)
- E. Current and Proposed Zoning of the Property:
Current zoning: R-40W (Wake County)
Proposed zoning: PUD-CZ
- F. Current and Proposed Land Uses:
Current: Vacant
Proposed: Residential
- G. Current and Proposed 2045 Land Use Designation.
Current/Proposed: Medium Density Residential & Protected Open Space
- H. Size of project:

| Wake County Tax Identification Number | Acreage |
|---------------------------------------|-------------|
| 0720-49-2078 | 16.39 acres |
| 0720-48-4654 (partial) | |
| 0720-38-9121 (partial) | |

SECTION 4 – PURPOSE STATEMENT

The Townes at the Station PUD is a proposed townhome project to be developed under the Town of Apex ordinance as a Planned Unit Development (PUD). This project affects three existing lots of record – one parcel in its entirety, and two parcels to be partially included in this PUD. These parcels are all owned by various LLCs, but the project is being developed by Charm City Developers, LLC. The project is located at the southern end of Richardson Road, south and east of the Friendship Station PUD, west of Apex Friendship Elementary School, and north of Little Beaver Creek and its associated conservation easement. These parcels are all designated as Medium Density Residential on the 2045 Land Use Map.

The proposal to rezone these properties to PUD-CZ is in keeping with the Town's objectives to create high quality developments with a small-town feel. This development will be a pedestrian friendly community with sidewalks along both sides of the internal public streets, along with sidewalk and greenway connections to Richardson Road and the adjacent Friendship Station development. This development will enhance the value of the surrounding properties by providing quality residential development for the area.

SECTION 5 – PERMITTED USES

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

- Townhouse
- Accessory apartment
- Utility, minor
- Greenway
- Park, active
- Park, passive
- Recreational facility, private

Additionally, the following conditions shall also apply:

1. Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs. Signs shall be installed in locations that are publicly accessible, such as adjacent to, but outside of, public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.
2. Developer shall install pollinator-friendly and native flora within SCM planting areas; 75% of the species selected shall be native to the eastern US. Species selection shall be approved by the Planning Dept.
3. At least 75% of the plant species used in the landscape design shall be native species.
4. Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.
5. Homeowner Association covenants shall not prohibit clover lawns throughout the neighborhood.
6. A minimum of three (3) pet waste stations shall be installed in HOA common areas.
7. All townhomes shall include solar conduit in the building design to facilitate future installation of roof-mounted solar PV panels.
8. A minimum 4kW solar PV system shall be installed on at least 4 townhomes units within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development.
9. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
10. Any outdoor lighting within HOA maintained areas shall utilize full cutoff fixtures that have a maximum color temperature of 3000K.
11. Sod used within perimeter buffers, SCMs, and along streets (unless within a residential lot) shall not be fescue grasses.
12. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.

SECTION 6 – DESIGN CONTROLS

A. Dimensional Standards

| | |
|--|---------------------|
| Maximum Density: | 5.5 Units/Acre |
| Maximum Number of Townhome Lots: | 90 |
| Maximum Built-Upon Area: | 60% (total project) |
| Minimum Lot Width: | 18' |
| Maximum Building Height: | 45' and 3 stories |
| <i>Note: Porches, patios, decks and other accessory structures may encroach into building setbacks as allowed by the Town of Apex UDO.</i> | |

B. Proposed Minimum Building Setbacks

| | |
|---|---|
| Front: | 15' |
| Rear: | 15' |
| Side: | 5' (end units) 10' (corner units) |
| Building to Building | 10' |
| From Buffer/RCA | 10' for Buildings 5' for Parking Areas |
| <i>Note: Minimum driveway length is 20', measured from back edge of sidewalk to garage.</i> | |

C. Perimeter Buffers

The PUD plans show buffers around the site to provide visual breaks between uses and public roads, as shown on Sheet 2 of the PUD Plans (Layout Plan). These buffers include 10' Type B Landscape Buffers along the southern, northern, and portions of the eastern perimeters, a 10' Type A Landscape Buffer adjacent to the Apex Friendship Elementary School property to the northeast, 15' Type B Landscape Buffers around the entire perimeter on the west side of the Richardson Road extension, and a 30' Type B Thoroughfare Buffer along the Richardson Road extension (both sides).

D. Percentage of Resource Conservation Area

The Townes at the Station PUD is providing at least 35% of the total area for Resource Conservation Area and landscape buffers, which is a 5% increase from the UDO requirement for a PUD.

SECTION 7 – ARCHITECTURAL STANDARDS

Townhome Residential Standards

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Garage doors must contain windows, decorative details or carriage-style adornments.
3. House entrances for homes with front facing single-car garages must have a covered porch/stoop area leading to the front door.
4. The garage cannot protrude more than one foot out from the front façade or front porch unless it is a side entry garage.
5. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
6. All windows on a side elevation shall have decorative trim, shutters or shall be a bay window.
7. Roofline cannot be a single mass; it must be broken up either horizontally or vertically between every other unit.
8. 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.

SECTION 8 – PARKING AND LOADING

Parking and loading requirements shall conform to the parking standards listed in Section 8.3, *Off-street Parking and Loading*, of the Town of Apex UDO.

SECTION 9– SIGNS

Signage for this project will comply with Section 8.8, *Signs*, of the Town of Apex UDO.

SECTION 10 – NATURAL RESOURCE AND ENVIRONMENTAL DATA:

- A. This project is located in the Little Beaver Creek drainage basin which is in the Cape Fear Basin. This project currently falls within the primary watershed protection overlay district as shown on Town of Apex watershed maps.
- B. There is a FEMA mapped floodplain along Little Beaver Creek as shown on FEMA FIRM Map Number 3720072000K, dated July 19, 2022.
- C. There are no known historic structures on this project.
- D. The PUD will provide streetscape buffers along Richardson Road which will be used for decorative plantings and aesthetic appeal. Individual sections within the development may also have additional landscape areas located on the site based upon the specific site or subdivision plan. The PUD will dedicate at least 35% of the total project area for Resource Conservation Area or buffer.
- E. To demonstrate the project's commitment to preserving and re-establishing tree canopy in our region, the developer seeks to replant and restore existing tree canopy that is removed from those portions of the property that are anticipated to contain single family and townhome lots. To that end, prior to recording the first subdivision plat for the project, the developer shall provide a donation of \$3,000 to a local non-profit organization with a mission towards tree preservation and replacement.

SECTION 11 – STORMWATER MANAGEMENT

The Townes at the Station PUD will meet all applicable requirements and standards as described in Section 6.1, *Watershed Protection Overlay Districts*, of the Town of Apex UDO. This project will meet all stormwater reduction requirements including limiting the post-development stormwater flows to not exceed the pre-development stormwater runoff for the 1-year, 10-year, and 25-year 24 hour storm events.

The Townes at the Station PUD will use approved devices to control the stormwater and sediment runoff. These devices may include detention ponds, retention ponds, bioretention areas or any other approved SCM stormwater control. Stormwater control devices shall be landscaped and constructed to be an amenity to the development and shall blend into the surroundings.

SECTION 12 – PARKS AND RECREATION

The Parks, Recreation and Cultural Resources Advisory Commission reviewed the project at the September 28, 2022 meeting and unanimously approved for fee-in-lieu of dedication, with credit for construction of greenway if an opportunity is identified at the time of Master Subdivision Plan review and approval. The recommendation is based on the Single Family Attached fee rate, which shall be set at the time of rezoning approval by Town Council, and will run with the life of the project unless additional land/units are added to the project.

Per Section 14.2, *Greenways*, of the Town of Apex UDO, credit for greenway against fees requires the approval of construction plans, and is contingent upon approval of an engineer's estimate of probable cost for greenway construction.

SECTION 13 – PUBLIC FACILITIES

A. General Roadway Infrastructure

The transportation network for The Townes at the Station PUD will be consistent with the Town of Apex Transportation Plan and associated requirements of the UDO. This project will include the extension of roughly 500' of Richardson Road, a Town of Apex thoroughfare street, as well as an internal road network providing interconnectivity to Richardson Road and the adjacent Friendship Station development. Richardson Road will continue the same interim road section from Friendship Station, where only the two eastern lanes of the future 4-lane median divided road will be constructed with this project. The residential street that connects to Richardson Road shall be a right-in/right-out entrance in the future when Richardson Road is ultimately widened to include a median. In the interim, the turning movements at this intersection may remain unrestricted. A street stub shall be extended to the Pridgen property to the east (PIN# 0720-58-1790) for possible extension into future development. Interconnectivity with all adjacent properties and roads shall be coordinated with existing or planned rights-of-way.

As shown on the PUD Layout Plan (sheet 2), all access points, street stubs, and planned vehicular circulation are conceptual and will be finalized at the time of Development Plan review and approval.

B. Pedestrian Facilities

For pedestrian connectivity, all public streets shall provide 5' sidewalks on both sides of the road. The Richardson Road extension shall provide a 10' Side Path along the eastern side of the road. The east-west residential street that provides connection to the Richardson Road extension to the west and the street stub to the east shall provide a 10' Side Path along the northern side of the road. This improvement from 5' sidewalk to 10' Side Path is intended to replace the requirement of a separate east-west greenway connection through the project, shown on the Town of Apex Bicycle and Pedestrian System Plan Map as "Little Beaver Creek Greenway". Furthermore, a 10' public greenway will connect to this 10' Side Path in the vicinity of the stream crossing, following along the existing north-south stream buffer until connecting to the existing greenway stub provided with the Friendship Station development to the north, which ultimately provides pedestrian connection to Apex Friendship Elementary School. This greenway shall follow the alignment of the existing sewer outfall.

C. Water and Sanitary Sewer

As shown on the PUD Utility Plan (sheet 4), the sanitary sewer connection will come by connecting to the existing sewer outfall that runs along the north-south stream buffer. On the east side of the stream, a sewer stub shall be provided to the eastern project boundary for possible upstream connection in the future. Water distribution service will be provided to this project by extending the existing 12 inch waterline along Richardson Road, as well as the existing 8 inch waterline along Stevens Pass Station.

D. 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

This project may be constructed in multiple phases. The phasing will be finalized during subdivision plan review.

SECTION 15 – CONSISTENCY WITH LAND USE PLAN

The Town of Apex 2045 Land Use Map currently designates these parcels as Medium Density Residential, as well as a small portion of Protected Open Space (representing the NC Conservation Easement). We believe this PUD is appropriate for the area and is consistent with the current Land Use Map. No changes are proposed.

SECTION 16 – COMPLIANCE WITH THE UDO

The proposed plans for The Townes at the Station PUD are in compliance with the standards and allowances provided in the current approved version of the Town of Apex Unified Development Ordinance. Any variance from UDO requirements has been noted in this plan.

SECTION 17 – LAND USE NOTES

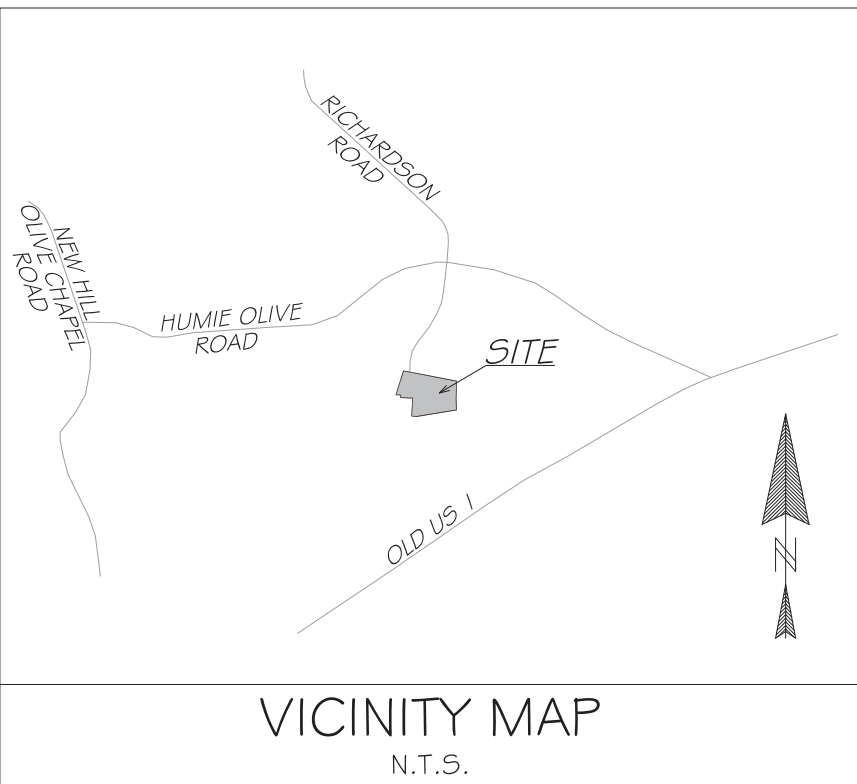
This project will require the formation of at least one Homeowners Association which will handle the maintenance of common areas, buffers, RCA, stormwater devices, etc.

SECTION 18 – AFFORDABLE HOUSING

Prior to recording the final subdivision plat for the project, the developer shall record with the Wake County Register of Deeds an Option in favor of Habitat for Humanity of Wake County, Inc. (“Habitat Wake”) or other non-profit affordable housing provider granting to Habitat Wake an option to purchase a minimum of four (4) townhome lots within the community, with the cost of such lots being the cost that the developer pays for such lots.

THE TOWNES AT THE STATION

PLANNED UNIT DEVELOPMENT



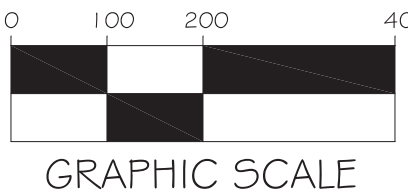
| SITE DATA | |
|--|---|
| PROJECT NAME | THE TOWNES AT THE STATION - PUD |
| PREPARER'S CONTACT INFORMATION | JONES & CROSSEN ENGINEERING, PLLC P.O. BOX 1062 APEX, NORTH CAROLINA 27502 PHONE - (919) 387-1174 FAX - (919) 387-3375 CONTACT PERSON - PATRICK L. KIERNAN |
| OWNER / DEVELOPER CONTACT INFORMATION | CHARM CITY DEVELOPERS, LLC 4201 TAYLOR HALL PLACE CHAPEL HILL, NC 27517 PHONE - (919) 703-6203 CONTACT PERSON - ANDREW ROSS |
| CURRENT ZONING | R-40W |
| PROPOSED ZONING | PUD-CZ |
| CURRENT 2045 LAND USE MAP DESIGNATION | MEDIUM DENSITY RESIDENTIAL (MD) & PROTECTED OPEN SPACE |
| PROPOSED 2045 LAND USE MAP DESIGNATION | MEDIUM DENSITY RESIDENTIAL (MD) & PROTECTED OPEN SPACE |
| PROPOSED ZONING DESIGNATION | PUD-CZ |
| WAKE COUNTY PINS | 0720-49-2078, 0720-48-4654 (PARTIAL), 0720-38-9121 (PARTIAL) |
| TOTAL PROJECT AREA | 16.39 ACRES |
| MAXIMUM DENSITY | 5.5 UNITS/ACRE |
| MAXIMUM NUMBER OF LOTS | 90 |
| REQUIRED RCA / BUFFER AREA | 5.74 ACRES (35%) |
| MAXIMUM BUILT UPON AREA FOR PUD | 9.83 ACRES (60%) |
| MAXIMUM BUILDING HEIGHT | 45' OR 3 STORIES |
| OFF STREET PARKING | PARKING WILL COMPLY WITH APEX UDO SECTION 8.3 FOR TOWNHOMES |
| PUBLIC RECREATION REQUIREMENT | FEE-IN-LIEU FOR SINGLE FAMILY ATTACHED UNITS (RATE TBD) |
| WATERSHED INFORMATION | PRIMARY; LITTLE BEAVER CREEK BASIN |
| APEX BUFFER DETERMINATION | TBD |
| HISTORIC STRUCTURE? | NO |
| GRADING TYPE | MASS GRADING (TOWNHOME DEVELOPMENT) |
| PHASED DEVELOPMENT | TBD |
| FEMA FLOODPLAIN INFORMATION | MAP #3720072000K (DATED JULY 19, 2022) - PROJECT IS NOT WITHIN 100 YEAR FLOODPLAIN |

- PERMITTED USE:
- TOWNHOUSE
 - ACCESSORY APARTMENT
 - UTILITY, MINOR
 - PARK, ACTIVE
 - PARK, PASSIVE
 - GREENWAY
 - RECREATIONAL FACILITY, PRIVATE

| MINIMUM BUILDING SETBACKS - TOWNHOMES | |
|--|--------------------------------------|
| FRONT | 15' |
| REAR | 15' |
| SIDE (END UNITS) | 5' |
| SIDE (CORNER UNITS) | 10' |
| BUILDING TO BUILDING | 10' |
| FROM BUFFER/RCA | 10' FOR BUILDINGS, 5' FOR PARKING |
| NOTE: MINIMUM DRIVEWAY LENGTH IS 20', MEASURED FROM BACK EDGE OF SIDEWALK TO GARAGE. | |

PD PLAN - DRAWING SHEET INDEX

- COVER SHEET
- PRELIMINARY LAYOUT PLAN
- EXISTING CONDITIONS PLAN
- PRELIMINARY UTILITY PLAN



PRELIMINARY PLANS
NOT FOR CONSTRUCTION

THIS SHEET IS FOR
ILLUSTRATIVE PURPOSES ONLY

1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
2. SITE ELEMENTS REQUIRED TO SATISFY REGULATION REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APE STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APE PARKS AND RECREATION DEPARTMENT.
3. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

1. BOUNDARY AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A SURVEY COMPLETED BY SMITH & SMITH SURVEYORS.
2. TOPOGRAPHIC INFORMATION FOR THE SITE WAS TAKEN FROM NORTH CAROLINA SPACIAL DATA LIDAR.
3. THE SITE HAS BEEN EVALUATED FOR THE EXISTENCE OF WETLANDS AND STREAMS BY TERRACON CONSULTANTS, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREET BUFFER ARE SHOWN AS SURVEYED.
4. THE TOWN OF APEX PROJECT ID FOR THIS BUFFER CALL IS 1-G-011.
5. NO FEMA MAPPED FLOODPLAIN EXISTS ON THIS PROPERTY PER FEMA MAP #372007200OK (DATED JULY 19, 2022).
6. THIS SITE IS LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
7. CONSTRUCTION VEHICLE PARKING SHALL BE LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF FIRE HYDRANTS). SIGNS INDICATING "NO CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN ENGLISH AND SPANISH.
8. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED.
9. INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS.
10. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.
11. PER THE TOWN OF APEX BICYCLE AND PEDESTRIAN SYSTEM PLAN MAP, THE LITTLE BEAVER CREEK GREENWAY SHALL EXTEND EAST-WEST THROUGH THIS PROJECT BY UPGRADING THE 5' SIDEWALK ON THE NORTH SIDE OF THE TOWN OF APEX BICYCLE AND PEDESTRIAN SYSTEM PLAN MAP 1-G-011.
12. THE PROR ADVISORY COMMISSION REVIEWED THE PROJECT AT THE SEPTEMBER 28, 2022 MEETING AND UNANIMOUSLY APPROVED FOR FEE-IN-LIEU OF DEDICATION, WITH CREDIT FOR CONSTRUCTION OF GREENWAY. THE CURRENT FEE RATE FOR SINGLE FAMILY ATTACHED IS \$2,528.25 WITH THE RATE SET AT THE TIME OF THE REZONING APPROVAL BY TOWN COUNCIL, AND RUNS WITH THE LIFE OF THE PROJECT UNLESS ADDITIONAL LANDUNITS ARE ADDED TO THE PROJECT.

1. IN LIEU OF A FULL TRANSPORTATION IMPACT ANALYSIS, A TRIP GENERATION LETTER HAS BEEN PROVIDED WITH THIS PUD SUBMITTAL.
2. STREET STUB CONNECTIONS SHOWN HEREON ARE PRELIMINARY AND MAY CHANGE AT THE TIME OF MASTER PLAN APPROVAL.
3. ALL INTERNAL BUILDING STREETS SHALL HAVE 50 FEET OF RIGHT-OF-WAY, 27 FEET OF CURB AND ASPHALT, WITH SIDEWALKS ON BOTH SIDES OF THE STREET UNLESS SPECIFIED OTHERWISE.
4. THE RESOURCE CONSERVATION AREA (RCA) SHOWN HEREON IS PRELIMINARY AND MAY CHANGE AT THE TIME OF MASTER PLAN APPROVAL.
5. THE MAINTENANCE OF RCA, LANDSCAPE BUFFERS, COMMON AREAS, AND THE STORMWATER DEVICES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
6. ALL SIGNAGE SHALL COMPLY WITH TOA UDO SECTION 8.7, SIGNS
7. THE PUD SHALL MEET TOWN OF AURORA DEVELOPMENT REQUIREMENTS OUTLINED IN TOA UDO SECTION 6.1, SUCH THAT POST-DEVELOPMENT RUNOFF SHALL NOT EXCEED THE PRE-DEVELOPMENT RUNOFF FOR THE 1-YEAR, 10-YEAR, AND 25-YEAR 24 HOUR STORM EVENTS.
8. ALL TOWNHOMES SHALL PROVIDE SOLAR CONDUIT FOR THE INSTALLATION OF ROOFTOP SOLAR PANELS.
9. A PHASING PLAN WILL BE DETERMINED AT THE TIME OF MASTER SUBDIVISION PLAN.

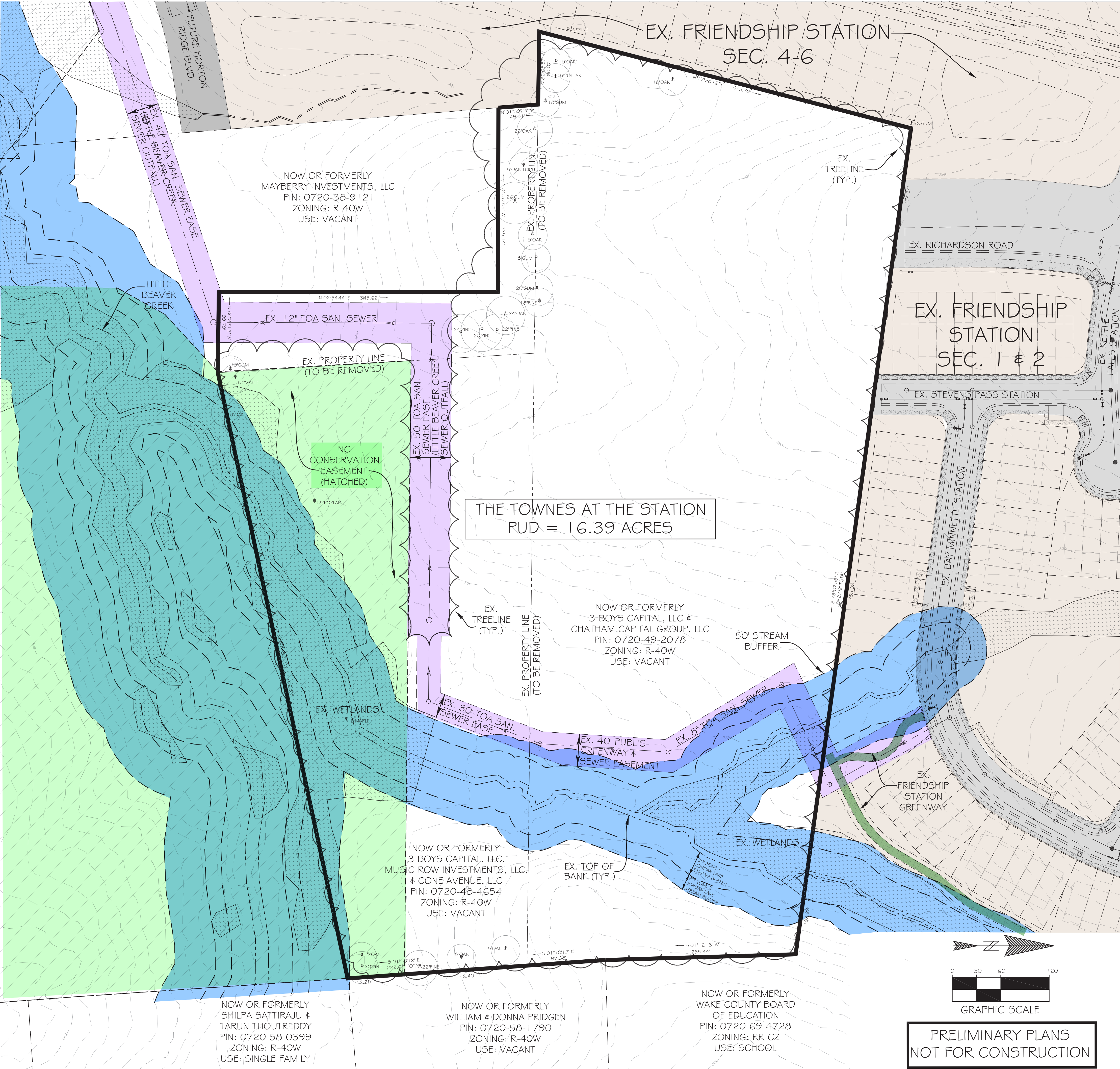
TOWN REQUIRED PUD NOTES:

1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
3. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

NOTES:

1. BOUNDARY AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A SURVEY COMPLETED BY SMITH & SMITH SURVEYORS.
2. TOPOGRAPHIC INFORMATION FOR THE SITE WAS TAKEN FROM NORTH CAROLINA SPACIAL DATA UDA.
3. THE SITE HAS BEEN EVALUATED FOR THE EXISTENCE OF WETLANDS AND STREAMS BY TERRACON CONSULTANTS, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREAM BUFFERS ARE SHOWN AS SURVEYED.
4. THE TOWN OF APEX PROJECT ID FOR THIS BUFFER CALL IS 16-011.
5. NO FEMA MAPPED FLOODPLAIN EXISTS ON THIS PROPERTY PER FEMA MAP #3720072000K (DATED JULY 19, 2022).
6. THIS SITE IS LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
7. THE AREA WITHIN THIS PUD IS CURRENTLY VACANT AND ENTIRELY WOODED, OTHER THAN THE CLEAR AND MAINTAINED PUBLIC UTILITY EASEMENTS.

THIS SHEET IS FOR
ILLUSTRATIVE PURPOSES ONLY



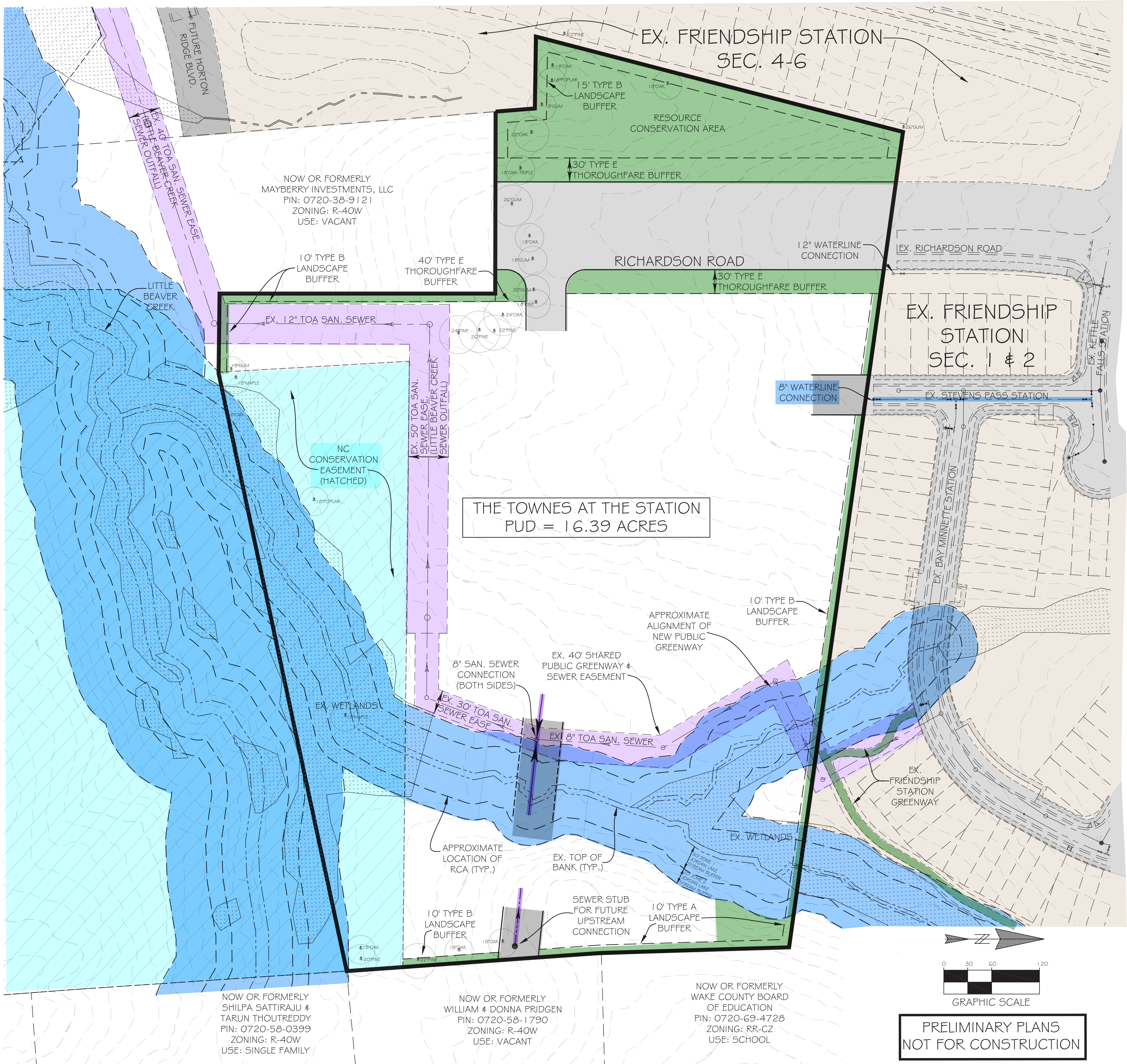
TOWN REQUIRED PUD NOTES:

1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER. SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
3. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

NOTES:

1. BOUNDARY AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A SURVEY COMPLETED BY SMITH & SMITH LAND SURVEYORS.
2. TOPOGRAPHIC INFORMATION FOR THE SITE WAS TAKEN FROM NORTH CAROLINA SPACIAL DATA LIDAR. THE SITE HAS BEEN EVALUATED FOR THE EXISTENCE OF WETLANDS AND STREAMS BY TERRAGON CONSULTANTS, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREAM BUFFERS ARE SHOWN AS SURVEYED.
3. THE TOWN OF APEX PROJECT ID FOR THIS BUFFER CALL IS 16-011.
4. NO FEMA MAPPED FLOODPLAIN EXISTS ON THIS PROPERTY PER FEMA MAP #3720072000K (DATED JULY 19, 2022).
5. THIS SITE IS LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
6. CONSTRUCTION VEHICLE PARKING SHALL BE LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF FIRE HYDRANTS). SIGNS INDICATING "NO CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN ENGLISH AND SPANISH.
7. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED.
8. INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS.
9. THE FUTURE LOCATIONS FOR WATER AND SEWER MAINS ARE APPROXIMATE AND SHALL BE DESCRIBED IN MORE DETAIL AT THE TIME OF MASTER PLANS. THESE UTILITY LOCATIONS ARE ILLUSTRATIVE TO SHOW CONNECTIONS AND SIZING.
10. ANY REQUIRED UTILITY CONNECTIONS TO SURROUNDING PROPERTIES AND PUBLIC RW SHALL BE ALLOWED THROUGH ALL PERIMETER BUFFERS.
11. CONTACT FOR TOWN OF APEX ELECTRIC UTILITIES IS RODNEY SMITH AT 919-249-3342.
12. THIS DEVELOPMENT SHALL USE FULL TOWN OF APEX SERVICES INCLUDING WATER, SEWER AND ELECTRICITY.
13. ALL UTILITY INFRASTRUCTURE SHALL MEET CURRENT TOWN OF APEX WATER AND SEWER MASTER PLANS.
14. ACCESS TO PUBLIC SANITARY SEWER SHALL BE PROVIDED TO UPSTREAM PROPERTIES ALONG NATURAL DRAWS WITHIN THE PROJECT BOUNDARY.
15. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.

THIS SHEET IS FOR
ILLUSTRATIVE PURPOSES ONLY



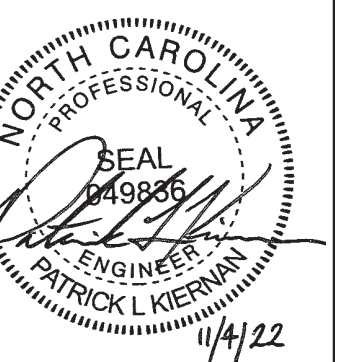
PRELIMINARY PLANS
NOT FOR CONSTRUCTION

Jones & Cossen
ENGINEERING, PLLC



Civil Engineering | Construction Management | Land Planning

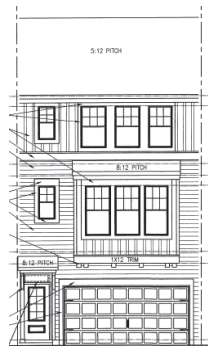
221 N. SALEM ST.
SUITE 001
PO BOX 1062
APEX, NC 27502
Office: 919-387-1174
Registration: P-0151
www.jonescossen.com



THE TOWNES AT THE STATION
PLANNED UNIT DEVELOPMENT
PRELIMINARY UTILITY PLAN
TOWN OF APEX
WAKE COUNTY, NORTH CAROLINA

| | | | |
|-----------|----------------|--------|-----|
| SCALE: | 1"=60' | DRAWN: | PLK |
| DATE: | AUGUST 1, 2022 | | |
| REVISION: | 9/9/22 | PER: | TRC |
| | 10/14/22 | PER: | TRC |
| | 11/4/22 | PER: | SET |
| SHEET: | 4 | | |
| PROJECT: | 2150 | | |

Townhome Elevations, Illustrative



ELEVATION-A
SCALE: 1/4"=1'-0" ON 22x34 AND 1/8"=1'-0" ON 11x17



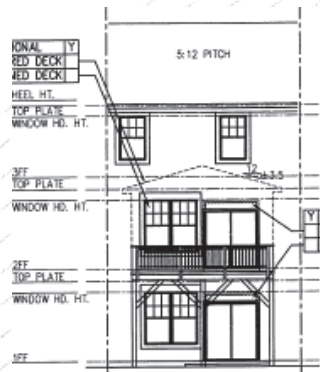
ELEVATION-C



ELEVATION-C



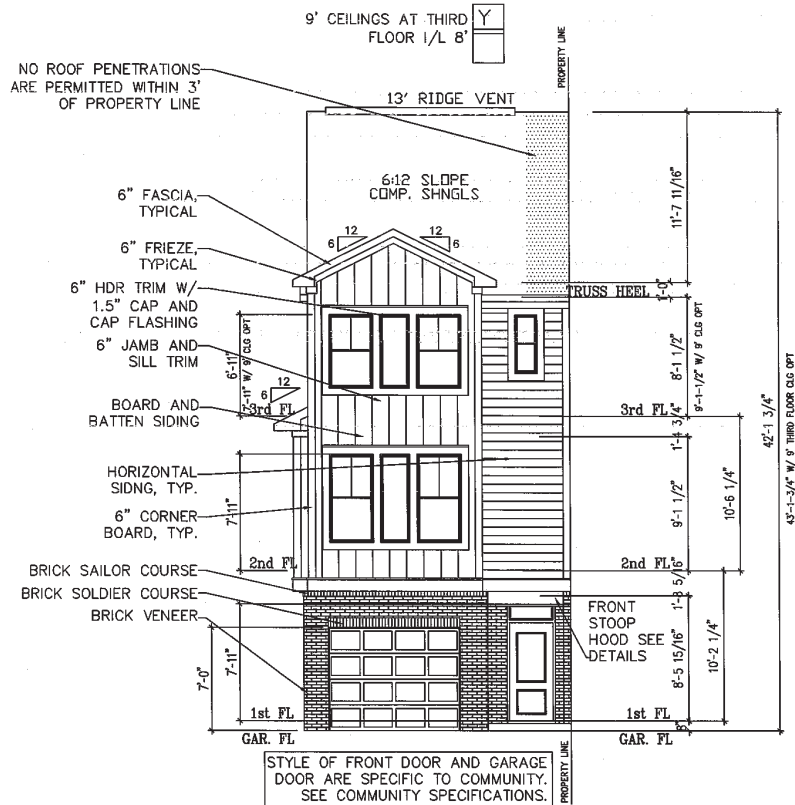
END UNIT -A □
SCALE: 1/8"=1'-0" ON 22x34 AND 1/16"=1'-0" ON 11x17



REAR ELEVATION-A
1/8"=1'-0" ON 22x34 AND 1/16"=1'-0" ON 11x17

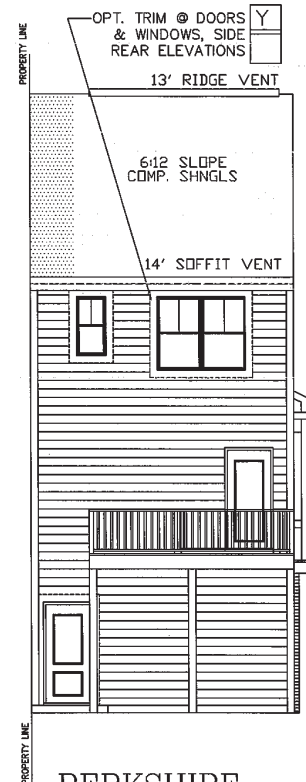


M/I HOMES



BERKSHIRE
ELEVATION-A-FRONT

| ROOF VENT. CALCULATIONS ELEV 'A' | |
|---|-------------|
| MAIN ROOF ATTIC | 867 SQ. FT. |
| ATTIC VENTILATION REQUIRED | |
| = 2.88 SQ. FT. $\frac{867 \text{ SQ. FT.}}{300}$ | |
| 19 LF RIDGE VENT @ 18 S.I./LF = 18x19 = 342 S.I. = 2.37 SF | |
| 22 LF SOFFIT VENT @ 4.5 S.I./LF = 22x4.5 = 99 S.I. = .68 SF | |
| 3.05 SF PROVIDED | |



BERKSHIRE
ELEVATION-A-REAR

| | | | |
|-------------------------|------|-----------------------------------|------|
| PRO. TRANSPORTATION | DATE | WK. STORMWATER | DATE |
| BUILDING INSPECTORS | DATE | PLANNING | DATE |
| WK. UTILITY ENGINEERING | DATE | PLANNING - TRANSPORTATION | DATE |
| ELECTRIC | DATE | FIRE | DATE |
| WK. S & C | DATE | PARKS, RECREATION & CULTURAL RES. | DATE |

MASTER ISSUE DATE:
03/31/20
DO NOT SCALE PRINTS
CONSTRUCTION SHALL BE
PER INDICATED DIMENSIONS
ONLY. ANY DISCREPANCIES
TO BE REPORTED TO M/I
HOMES FOR CLARIFICATION
LATEST REVISION DATE:
11/16/20

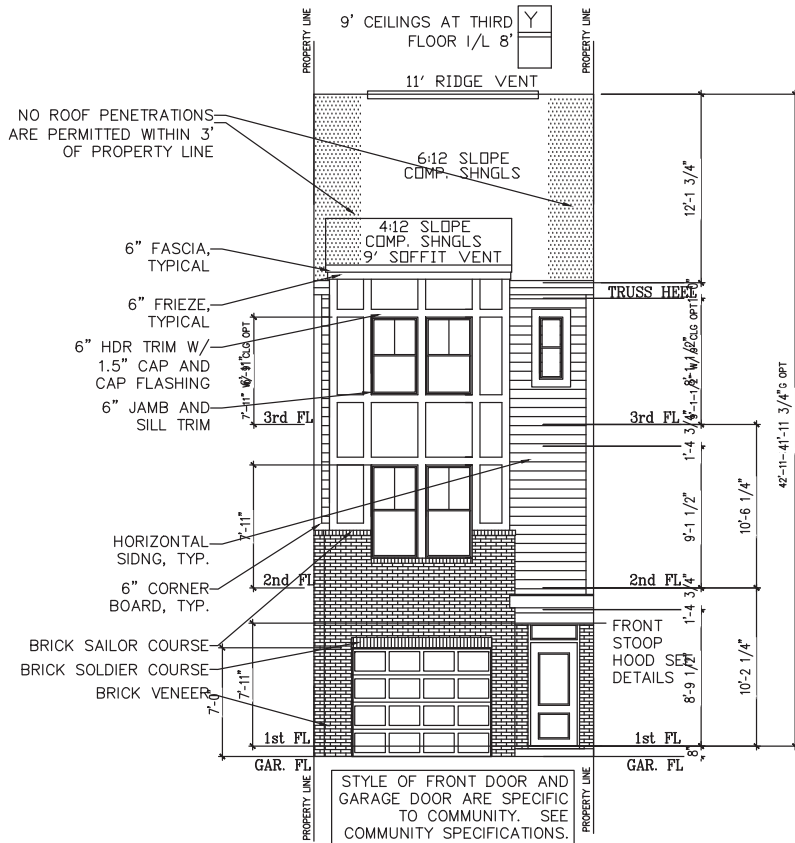
SUB NAME
LOT# -

M/I HOMES
Welcome to Better.

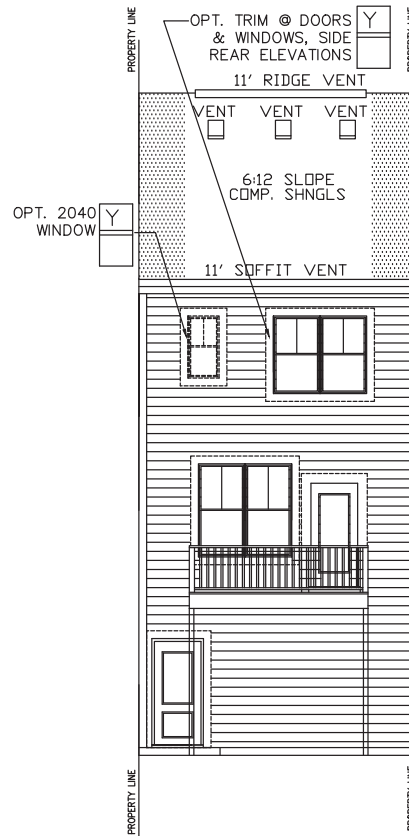
BERKSHIRE
GARAGE - LEFT
ELEVATION "A"

SHEET #

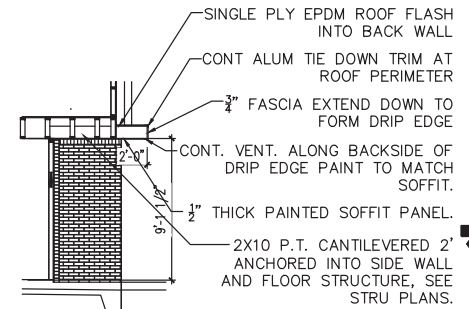
4.00



ELEVATION-A-FRONT



ELEVATION-A-REAR



ELEVATION A
SECTION OF STOOP, HOOD
SCALE: 1/8"=1'-0"

ROOF VENT. CALCULATIONS ELEV 'A'

MAIN ROOF ATTIC
824 SQ. FT.

ATTIC VENTILATION REQUIRED

$$= 2.74 \text{ SQ. FT. } \frac{824 \text{ SQ. FT.}}{300}$$

11 LF RIDGE VENT @ 18 S.I./LF = 18x11 = 198 S.I = 1.37 SF
20 LF SOFFIT VENT @ 4.5 S.I./LF = 20x4.5 = 90 S.I = .62 SF
3 ROOF VENTS @ 50 S.I. EA. = 50x3 = 150 S.I = 1.04 SF

3.03 SF PROVIDED

MASTER ISSUE DATE:
03/12/20
DO NOT SCALE PRINTS
CONSTRUCTION SHALL BE
PER INDICATED DIMENSIONS
ONLY. ANY DISCREPANCIES
TO BE REPORTED TO M/I
HOMES FOR CLARIFICATION
LATEST REVISION DATE

11/30/20

SUB NAME

LOT# -

--/--/--

M/I HOMES
Welcome to Better.

OAKWELL
GARAGE - LEFT
ELEVATION "A"

SHEET #

4.00

August 17, 2022

Russell Dalton PE
Town Hall (3rd Floor)
73 Hunter Street
Apex, NC 27502
E: russell.dalton@apexnc.org

Reference: Walden Property – Apex, NC

Subject: Trip Generation Letter

Dear Mr. Dalton:

This letter provides an estimate of the trip generation for the proposed Walden Property residential development to be located at the south end of Richardson Road (east of Olive Farm Road) in Apex, North Carolina. The proposed residential development is anticipated to consist of a maximum of 90 townhomes. Site access is proposed one (1) full movement driveway along Richardson Road, which will likely be restricted to right-in/right-out access when Richardson Road is extended further south.

Trip Generation

Average daily traffic, weekday AM and weekday PM peak hour trips for the proposed development were estimate using the methodology contained within the ITE *Trip Generation Manual*, 11th Edition. Table 1 provides a summary of the trip generation potential for the proposed development based on the LUC 215 Single-Family Attached Housing trip generation equations.

Table 1: Site Trip Generation Summary

| Land Use (ITE Code) | Intensity | Daily Traffic (vpd) | Weekday AM Peak Hour Trips (vph) | | Weekday PM Peak Hour Trips (vph) | |
|---|-----------|---------------------------|--|------|--|------|
| | | | Enter | Exit | Enter | Exit |
| Single-Family Attached Housing (215) | 90 units | 635 | 13 | 28 | 28 | 22 |

As shown in Table 1, it is estimated that the proposed development is expected to generate 635 trips during a typical 24-hour weekday period. Of the daily site trips, it is anticipated that 41 trips (13 entering and 28 exiting) will occur during the weekday AM peak hour and 50 trips (28 entering and 22 exiting) will occur during the weekday PM peak hour. The typical threshold NCDOT supports for requiring a Traffic Impact Analysis (TIA) is 3,000 or more vehicular trips per day. The Town of Apex threshold to require a TIA is 1,000

or more vehicular trips per day or 100 trips during the weekday AM or PM peak hours. This development is anticipated to be below both thresholds.

Findings and Summary

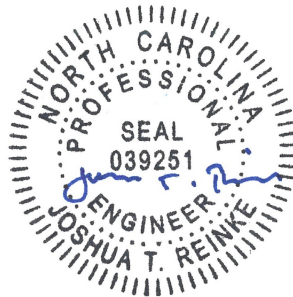
Based on the trip generation results, it is expected that the proposed Walden Property residential development will have minimal impact on the surrounding roadway network. The peak hour trip generation potential for this proposed development is expected to be under the typical thresholds for the NCDOT and the Town to require a TIA.

If you have any questions or concerns, please feel free to contact me at (919) 872-5115.

Sincerely,

Ramey Kemp Associates

Josh Reinke, PE
State Traffic Engineering Lead
NC Corporate License # C-0910



Attachments: Preliminary Site Plan

8/17/2022

CC: Serge Grebenschikov Traffic Engineer
Jeremy Warren, PE NCDOT District 1 Engineer



PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ17 The Townes at the Station PUD

Planning Board Meeting Date: December 12, 2022



Report Requirements:

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

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

PROJECT DESCRIPTION:

Acres: +/- 16.39 acres

PIN(s): 072042078, 0720484654 (portion of), 0720389121 (portion of)

Current Zoning: Wake County Residential-40 District (R-40W)

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

2045 Land Use Map: Medium Density Residential & Protected Open Space

Town Limits: Outside the ETJ & Corporate Limits

Applicable Officially Adopted Plans:

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

☒ 2045 Land Use Map
☒ Consistent ☐ Inconsistent Reason: _____

☒ Apex Transportation Plan
☒ Consistent ☐ Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ17 The Townes at the Station PUD

Planning Board Meeting Date: December 12, 2022



Legislative Considerations:

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

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 22CZ17 The Townes at the Station PUD

Planning Board Meeting Date: December 12, 2022



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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 22CZ17 The Townes at the Station PUD

Planning Board Meeting Date: December 12, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Sarah Soh

Seconded by Planning Board member: Keith Braswell

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

Conditions as presented.

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


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

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12th day of December 2022.

Attest:


Reginald Skinner, Planning Board Chair

Dianne Khin, Planning Director

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 22CZ17 The Townes at the Station PUD

Planning Board Meeting Date: December 12, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Sarah Soh

Seconded by Planning Board member: Keith Braswell

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

Conditions as presented.

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

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

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12th day of December 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2022.12.12 19:50:02
-05'00'

Dianne Khin, Planning Director



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ17
The Townes at the Station PUD**

Pursuant to the provisions of North Carolina General Statutes §1600-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Charm City Developers, LLC
Authorized Agent: Patrick Kiernan, Jones & Cossen Engineering, PLLC
Property Addresses: 0 Richardson Road; 0 & 3261 Olive Farm Road
Acreage: ±16.39 acres
Property Identification Numbers (PINs): 072042078, 0720484654 (portion of), 0720389121 (portion of)
2045 Land Use Map Designation: Medium Density Residential & Protected Open Space
Existing Zoning of Properties: Wake County Residential-40 District (R-40W)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Planning Board Public Hearing Date and Time: December 12, 2022 4:30 PM

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/40417>.

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



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-349-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ17
The Townes at the Station PUD

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

Solicitante: Charm City Developers, LLC

Agente autorizado: Patrick Kiernan, Jones & Crossen Engineering, PLLC

Dirección de las propiedades: 0 Richardson Road; 0 & 3261 Olive Farm Road

Superficie: 116.39 acres

Números de identificación de las propiedades: 072042078, 0720484654 (porción de), 0720389121 (porción de)

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential & Protected Open Space

Ordenamiento territorial existente de las propiedades: Wake County Residential-40 District (R-40W)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 12 de diciembre de 2022 4:30 P.M.

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

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

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

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighbnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/49817>.

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

Fechas de publicación: 21 de noviembre - 12 de diciembre de 2022



51°F Sunny



4:45 PM

11/21/2022





TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ17 The Townes at the Station PUD

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

Applicant: Charm City Developers, LLC

Authorized Agent: Patrick Kiernan, Jones & Crossen Engineering, PLLC

Property Addresses: 0 Richardson Road; 0 & 3261 Olive Farm Road

Acreage: ±16.39 acres

Property Identification Numbers (PINs): 072042078, 0720484654 (portion of), 0720389121 (portion of)

2045 Land Use Map Designation: Medium Density Residential & Protected Open Space

Existing Zoning of Properties: Wake County Residential-40 District (R-40W)

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

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

Planning Board Public Hearing Date and Time: December 12, 2022 4:30 PM

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/40417>.

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



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ17

The Townes at the Station PUD

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

Solicitante: Charm City Developers, LLC

Agente autorizado: Patrick Kiernan, Jones & Crossen Engineering, PLLC

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Superficie: ±16.39 acres

Números de identificación de las propiedades: 072042078, 0720484654 (porción de), 0720389121 (porción de)

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential & Protected Open Space

Ordenamiento territorial existente de las propiedades: Wake County Residential-40 District (R-40W)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 12 de diciembre de 2022 4:30 P.M.

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

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

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

Mapa de las inmediaciones:




Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/40417>.

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

Fechas de publicación: 21 de noviembre – 12 de diciembre de 2022

August 2022
May 2022 Aerial Photography
Prepared by: Town of Apex Planning Department



Public Hearing Sign Posted By

Signature
Date 8/5/2022





TOWN OF APEX

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

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ17
The Townes at the Station PUD

Project Location: 0 Richardson Road; 0 & 3261 Olive Farm Road

Applicant or Authorized Agent: Patrick Kiernen, PE

Firm: Jones & Cossen Engineering, PLLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 21, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

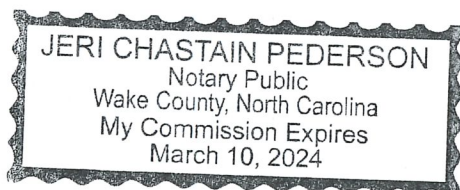
11/21/2022
Date

Shianne F. Khin
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

State and County, this the 21 day of November, 2022.



Jeri Chastain Pederson
Notary Public

SEAL

My Commission Expires: 03/10/2024

**TOWN OF APEX**

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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #22CZ17
The Townes at the Station PUD

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

Applicant: Charm City Developers, LLC

Authorized Agent: Patrick Kiernan, Jones & Cnossen Engineering, PLLC

Property Addresses: 0 Richardson Road; 0 & 3261 Olive Farm Road

Acreage: ±16.39 acres

Property Identification Numbers (PINs): 072042078, 0720484654 (portion of), 0720389121 (portion of)

2045 Land Use Map Designation: Medium Density Residential & Protected Open Space

Existing Zoning of Properties: Wake County Residential-40 District (R-40W)

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

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

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

Town Council Public Hearing Date and Time: January 10, 2023 6:00 PM

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/lmaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/40417>.

Dianne F. Khin, AICP
Planning Director

**TOWN OF APEX**

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS**ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ17****The Townes at the Station PUD**

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

Solicitante: Charm City Developers, LLC**Agente autorizado:** Patrick Kiernan, Jones & Cnossen Engineering, PLLC**Dirección de las propiedades:** 0 Richardson Road; 0 & 3261 Olive Farm Road**Superficie:** ±16.39 acres**Números de identificación de las propiedades:** 072042078, 0720484654 (porción de), 0720389121 (porción de)**Designación actual en el Mapa de Uso Territorial para 2045:** Medium Density Residential & Protected Open Space**Ordenamiento territorial existente de las propiedades:** Wake County Residential-40 District (R-40W)**Ordenamiento territorial propuesto para las propiedades:** Planned Unit Development-Conditional Zoning (PUD-CZ)**Lugar de la audiencia pública:** Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 10 de enero de 2023 6:00 P.M.

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

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

Mapa de las inmediaciones:

Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/40417>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 16 de diciembre de 2022 – 10 de enero de 2023





TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ17 The Townes at the Station PUD

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

Applicant: Charm City Developers, LLC

Authorized Agent: Patrick Kiernan, Jones & Cossen Engineering, PLLC

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Existing Zoning of Properties: Wake County Residential-40 District (R-40W)

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

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

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

Town Council Public Hearing Date and Time: January 10, 2023 6:00 PM

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

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

Vicinity Map:



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Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ17

The Townes at the Station PUD

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

Solicitante: Charm City Developers, LLC

Agente autorizado: Patrick Kiernan, Jones & Crossen Engineering, PLLC

Dirección de las propiedades: 0 Richardson Road; 0 & 3261 Olive Farm Road

Superficie: ±16.39 acres

Números de identificación de las propiedades: 072042078, 0720484654 (porción de), 0720389121 (porción de)

Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential & Protected Open Space

Ordenamiento territorial existente de las propiedades: Wake County Residential-40 District (R-40W)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 10 de enero de 2023 6:00 P.M.

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Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/40417>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

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

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: CONDITIONAL ZONING #22CZ17
The Townes at the Station PUD

Project Location: 0 Richardson Road; 0 & 3261 Olive Farm Road

Applicant or Authorized Agent: Patrick Kiernan

Firm: Jones & Crossen Engineering, PLLC

This is to certify that I, as Director of Planning, mailed or caused to have mailed by first class postage for the above mentioned project on December 16, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

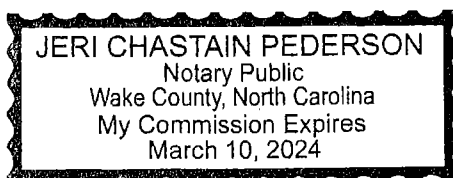
12/19/2022
Date

Maime L. Khin
Director of Planning

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

State and County, this the 19 day of December, 202 2.



Jeri Chastain Pederson
Notary Public

SEAL

My Commission Expires: 03/10/2024

D. McQueen Campbell, III
Mayberry Investments, LLC
1122 Oberlin Rd.
Raleigh, NC 27605

September 15th, 2022

Charm City Developers, LLC
Attn: Andrew Ross
P.O. Box 5548
Cary, NC 27512

Andrew,

After having our conversation over the phone, I am not willing to include any additional land in the PUD and annexation map and will maintain our original land swap agreement between Mayberry Investments, LLC, 3 Boys Capital, LLC, Music Row Investments, LLC, Cone Avenue, LLC and Chatham Capital Group, LLC. I understand through our discussion what could possibly occur with the incremental land but will not sell at this time or agree to include in any new rezoning submittals.

Regards,

A handwritten signature in black ink, appearing to read 'D. McQueen Campbell, III', with a stylized, cursive script.

D. McQueen Campbell, III



Student Assignment

5625 Dillard Drive
Cary, NC, 27518
Email: studentassignment@wcpss.net

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

October 20, 2022

Dianne Khin, AICP
Director, Department of Planning and Community Development
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

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

- Date of application: August 1, 2022
- Name of development: 22CZ17 The Townes at the Station PUD
- Address of rezoning: o Richardson Rd, o Olive Farm Rd, 3261 Olive Farm Rd
- Total number of proposed residential units: 90
- Type(s) of residential units proposed: Townhomes

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

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

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

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

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

Sincerely,