

Crockett's Ridge

Rezoning #21CZ10

Citrus Hill Dr

Village at Crocketts Ridge

Stroup St

Holland Rd

Eva Pearl Dr

West Village

Southwinds Run

Westwinds

Kelly Rd



## PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE MAP

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 #:

21CZ10

Submittal Date:

06/01/2021

2045 LUM Amendment:

N/A

Fee Paid:

\$900.00

### Project Information

Project Name: Kelly Woods

Address(es): 2300 Kelly Rd, 2324 Kelly Rd & Apex, NC 27502

PIN(s): 0731-25-4251, 0731-25-9148

Acreage: 19.424 Ac

Current Zoning: RR & RA

Proposed Zoning: MD-CZ

Current 2045 LUM Designation: Medium Density Residential

Proposed 2045 LUM Designation: Medium Density Residential

See next page for LUM Amendment.

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

Area classified as mixed use:

Acreage:

Area proposed as non-residential development:

Acreage:

Percent of mixed use area proposed as non-residential:

Percent:

### Applicant Information

Name: AMH Development , LLC

Address: 2100 Gateway Centre Blvd, Suite 120

City: Morrisville

State: NC

Zip: 27560

Phone: 919-582-6197

E-mail: sfreeman@ah4r.com

### Owner Information

Name: Daniel & Denise Schardt

Address: 2324 Kelly Rd

City: Apex

State: NC

Zip: 27502

Phone: 919-244-5343/919-244-0649

E-mail: bowtieguy1963@yahoo.com

### Agent Information

Name: Stephen Freeman

Address: 2100 Gateway Centre Blvd, Suite 120

City: Morrisville

State: NC

Zip: 27560

Phone: 919-582-6197

E-mail: sfreeman@ah4r.com

Other contacts: Emily Rothrock, ESP Associates, Inc. erothrock@esspassociates.com

Please do not contact Agent (client) above with comments or review responses.  
ESP is working on behalf of the client to manage this review as part of our  
Professional agreement.

**PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE MAP**

Application #:

**21CZ10**

Submittal Date:

06/01/2021

**2045 LAND USE MAP AMENDMENT (IF APPLICABLE)**

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

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

N/A

Current 2045 Land Use Classification:

Proposed 2045 Land Use Classification:

What condition(s) justifies the passage of the amendment to the 2045 Land Use Map? Discuss the existing use classifications of the subject area in addition to the adjacent land use classifications. Use additional pages as needed.

N/A

**PETITION INFORMATION**

Application #: 21CZ10 Submittal Date: 06/01/2021

An application has been duly filed requesting that the property described in this application be rezoned from RR/RA to MD-CZ. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance. It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval. Use additional pages as needed.

**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.

1	<u>Single - Family</u>	21	<u>_____</u>
2	<u>Utility, minor</u>	22	<u>_____</u>
3	<u>Greenway</u>	23	<u>_____</u>
4	<u>Recreation facility, private</u>	24	<u>_____</u>
5	<u>Accessory apartment</u>	25	<u>_____</u>
6	<u>_____</u>	26	<u>_____</u>
7	<u>_____</u>	27	<u>_____</u>
8	<u>_____</u>	28	<u>_____</u>
9	<u>_____</u>	29	<u>_____</u>
10	<u>_____</u>	30	<u>_____</u>
11	<u>_____</u>	31	<u>_____</u>
12	<u>_____</u>	32	<u>_____</u>
13	<u>_____</u>	33	<u>_____</u>
14	<u>_____</u>	34	<u>_____</u>
15	<u>_____</u>	35	<u>_____</u>
16	<u>_____</u>	36	<u>_____</u>
17	<u>_____</u>	37	<u>_____</u>
18	<u>_____</u>	38	<u>_____</u>
19	<u>_____</u>	39	<u>_____</u>
20	<u>_____</u>	40	<u>_____</u>

## PETITION INFORMATION

Application #:

21CZ10

Submittal Date:

06/01/2021

## PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

1. The development shall have a maximum of 45 single-family residential lots and a maximum density of 2.32 du/acre.
2. The proposed minimum setbacks for the single-family residential lots shall be: front 20', rear 20', side 5' and corner side 10'
3. To shade and reduce cooling costs, the development shall provide deciduous shade trees adjacent to the southern elevation of each house at the time of Master Subdivision Plan as practical and appropriate to the overall site layout requirements.
4. The development shall provide diverse and abundant pollinator sources (e.g. larval host plants, nectar, pollen, berries and blooming plants) that bloom in succession from spring to fall. Species shall be selected from the Design & Development Manual or otherwise approved by Planning Staff.
5. Planting species shall be selected to reduce irrigation and chemical use. At least 50% of proposed required plants shall be native species, except for turf grass.
6. The development shall provide native species listed in the Design & Development Manual or otherwise approved by Planning Staff to increase the native diversity of hardwood trees on site. No species shall constitute more than 25% of the required plantings for each planting type (trees, shrubs, etc.).
7. The development shall include signage identifying environmentally sensitive areas to discourage pet waste and chemical use in the vicinity.  
A minimum of one sign shall be provided where appropriate within this development.

## 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.

see next sheet

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

see next sheet

## PETITION INFORMATION

Application #:

21CZ10

Submittal Date: 06/01/2021

## PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

8. The Town of Apex staff shall work with the applicant's engineer to determine if existing soil conditions can support LID techniques based on NC DEQ standards. If the soils are appropriate, Town staff will work with the engineer and applicant to approve at least one (1) LID technique on the project as practical.

9. The development shall provide at least two (2) pet waste stations total, one at each end of the pedestrian trail that connect areas of the site.

10. Outdoor lighting shall be full cut off and shielded to prevent glare and light spill over to minimize impact of neighboring residential properties. LED fixtures shall be used and the lighting temperature shall be a maximum of 3500 Kelvin.

11. Single-family residential Architectural conditions:

- a. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
- b. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
- c. Eaves shall project at least 12 inches from the wall of the structure.
- d. Garage doors shall have decorative details or carriage-style adornments on them.
- e. The garage shall not protrude more than two feet out from the front façade and front porch.

## 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.

see next sheet

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

see next sheet

## PETITION INFORMATION

Application #:

21CZ10

Submittal Date:

06/01/2021

## PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

- f. The visible side of a home on a corner lot facing the public street shall contain at least two decorative elements such as, but not limited to, the following elements:
- Windows: Recessed window or Decorative window
  - Trim around the windows
  - Two or more building materials
  - Decorative brick/stone
  - Decorative trim
  - Decorative shake
  - Decorative air vents on gable
  - Decorative gable
  - Column, Balcony, or Dormer
- g. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
- h. House entrances for units with front-facing single-car garages shall have a covered porch/stoop area leading to the front door.
- i. Front porches shall be a minimum of six feet deep.
- j. All single-family detached homes shall be pre-configured with conduit for a solar energy system.
- k. Homeowner Association covenants shall not restrict the construction of accessory apartment units.

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12. Any cul-de-sac that is accessed from Southwinds Run shall not be subject to UDO Sec. 7.2.1.G.3.

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## 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 Town of Apex 2045 Land Use Map lists MD as the future zoning district for these parcels. The proposed MD-CZ aligns with the district intent of Medium Density Residential with a proposed single-family detached use. And the proposed conditions include a maximum density of 2.32 du/acre which falls under the max. 6 du/acre allowed.

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

The proposed single-family use is compatible with the surrounding land use to the north and south which is predominantly single-family and townhome. The future land use map includes Commercial Mixed Use across Kelly Rd to the east.

The proposed MD-CZ zoning would provide a transition from the higher density to the east and fit within the existing surrounding neighborhoods.

**PETITION INFORMATION**

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

If applicable, the proposed uses will meet supplemental standards for the proposed use as noted in Section 4.4

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

The proposed development will be 3-5 bedroom single family homes and the intended use will be consistent with the existing surrounding neighborhood conditions and use. The proposed density is significantly under the allowed maximum and would not adversely impact the character of the adjacent neighborhood areas. Additionally, AHM Development, LLC provides consistent maintenance and upkeep of their properties. Environmental features are protected on the interior and entries are located so as to reduce traffic impacts on Kelly Rd.

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

The proposed development will protect wetland & stream buffers, utilize existing vegetation to the greatest extent practical and proposed conditions include the recommended conditions from the EAB.

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

The proposed development will include stormwater quality and quantity solutions on site.

The density proposed will allow for comfortable open space and a well laid out community while preserving existing environmental features and integrity of proposed preserved vegetated areas. The proposed development will connect to municipal water and will not impact existing neighbor well aquifers.

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 is consistent with the 2045 Land Use Map and the proposed development will focus on the health, safety and welfare of the community by including lower density development, open spaces within individual lots and common areas. Pedestrian friendly streetscape, walking trails, and naturalized planting will be considered during future design as an enhancement to quality of the neighborhood lifestyle.



**PETITION INFORMATION**

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

The proposed development is consistent with the 2045 Land Use Map & surrounding land uses and is not detrimental to adjacent properties in any way. The developer and future owner will collaborate with neighbors to address questions and comments from the Neighborhood Meeting and maintain the integrity of the future development.

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

The proposed single-family use is an allowed use in the MD zoning district and will not impact the area with nuisance or hazards.

The density proposed is under the maximum density allowed in the MD zoning district.

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 development complies with all standards imposed by all other applicable provisions of Town of Apex UDO for use, layout, and general development characteristics.

**CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS**

Application #: 21CZ10

Submittal Date: 06/01/2021

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

	Owner's Name	PIN
1.	DONNELLY, TIMOTHY L DONNELLY, CYNTHIA O	0731149410
2.	BAKER, MYRTLE B HEIRS	0731149865
3.	BAKER, MARY LOU	0731159379
4.	BAKER, ISAAC D	0731159660
5.	CHEELY, GEORGE RAY CHEELY, JEAN S	0731232804
6.	IANNONE, JOSEPH V JR	0731244392
7.	BRANCH, INEZ EVANS BRANCH, JOSEPH DEWAYNE	0731252552
8.	MILLS, WILLIAM T HEIRS MILLS, DOROTHY	0731252648
9.	W TIMBERLAKE, BARBARA JO TRUSTEE TRUSTEE OF BARBARA JO W TIMBERLAKE FAMILY TRUST	0731254251
10.	BRANCH, JOSEPH DEWAYNE BRANCH, PAMELA JOHNSTON	0731254670
11.	VARGHESE, REENAMOL VARGHESE, BENNAN	0731255841
12.	GUAY, MARY H	0731257946
13.	SCHARDT, DANIEL SCHARDT, DENISE	0731259148
14.	MILLS, DOROTHY M MILLS, DAVID G TRUSTEE	0731260949
15.	SM RALEIGH, LLC	0731342211

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

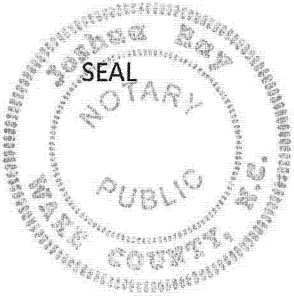
Date: 3/31/2021

By: [Signature]

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Joshua Ray, a Notary Public for the above State and County, on this the 3<sup>rd</sup> day of March, 2021.

[Signature]  
 Notary Public  
Joshua Ray  
 Print Name



My Commission Expires: 07-18-23

**CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS**

Application #: 21CZ10

Submittal Date: 06/01/2021

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

	Owner's Name	PIN
1.	WHITLEY MILLS LLC	0731346671
2.	SM RALEIGH LLC	0731347819
3.	BROCKELBA NK, DAVID A	0731351931
4.	LESTER, CHARLENE A LUEBKE, JUDITH M	0731352462
5.	SM RALEIGH LLC	0731353148
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

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

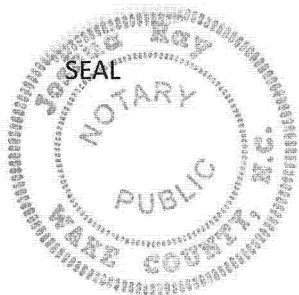
Date: 03/31/2021

By: *[Signature]*

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Joshua Ray, a Notary Public for the above State and County, on this the 31<sup>st</sup> day of March, 2021.

*[Signature]*  
 Notary Public  
Joshua Ray  
 Print Name



My Commission Expires: 07-18-23

# AGENT AUTHORIZATION FORM

Application #: 21CZ10 Submittal Date: 06/01/2021

DANIEL & DENISE SCHARDT is the owner\* of the property for which the attached application is being submitted:

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

The property address is: 2324 KELLY RD, APEX, NC 27502

The agent for this project is: AMH DEVELOPMENT, LLC

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


Agent Name: STEPHEN FREEMAN

Address: 2100 GATEWAY CENTRE BLVD # 120


Telephone Number: 919-582-6197

E-Mail Address: SFREEMAN@AH4R.COM

Signature(s) of Owner(s)\*

 dotloop verified  
04/01/21 8:15 AM EDT  
V1KT-6HJR-W1WL-ZV42

Daniel Schardt 04/01/2021  
Type or print name Date

 dotloop verified  
04/01/21 8:03 AM EDT

Denise Schardt 04/01/2021  
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.

# AGENT AUTHORIZATION FORM

Application #: 21CZ10 Submittal Date: 06/01/2021

BARBARA JO W TIMBERLAKE, TRUSTEE OF BARBARA JO W TIMBERLAKE FAMILY TRUST is the owner\* of the property for which the attached application is being submitted:

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

The property address is: 2300 KELLY RD, APEX, NC 27502

The agent for this project is: AMH DEVELOPMENT, LLC

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

Agent Name: STEPHEN FREEMAN

Address: 2100 GATEWAY CENTRE BLVD # 120

Telephone Number: 919-582-6197

E-Mail Address: SFREEMAN@AH4R.COM

Signature(s) of Owner(s)\*  


Barbara J. Timberlake, Trustee 04/01/2021  
Type or print name Date

\_\_\_\_\_  
Type or print name Date

Attach additional sheets if there are additional owners.

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

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

**AFFIDAVIT OF OWNERSHIP**

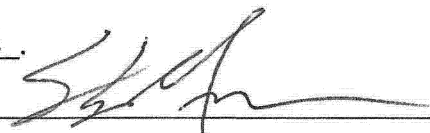
Application #: 21CZ10

Submittal Date: 06/01/2021

The undersigned, STEPHEN FREEMAN, LAND ACQUISITION MANAGER FOR AMH DEVELOPMENT, LLC (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

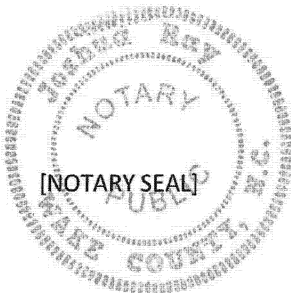
- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2324 KELLY RD, APEX, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated N/A, and recorded in the Wake County Register of Deeds Office on \_\_\_\_\_, in Book \_\_\_\_\_ Page \_\_\_\_\_.
- 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).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on N/A, 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 \_\_\_\_\_, 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 31 day of March, 2021.

 (seal)  
STEPHEN FREEMAN  
 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 Stephen Freeman, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Passport, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



  
 Notary Public  
 State of North Carolina  
 My Commission Expires: 07-18-23

**AFFIDAVIT OF OWNERSHIP**


Application #: 21CZ10

Submittal Date: 06/01/2021

The undersigned, STEPHEN FREEMAN, LAND ACQUISITION MANAGER FOR AMH DEVELOPMENT, LLC (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

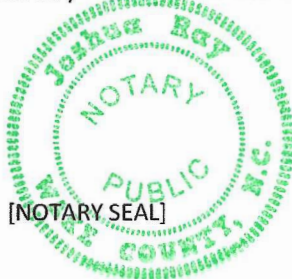
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 2300 KELLY RD, APEX, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "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 N/A, and recorded in the Wake County Register of Deeds Office on \_\_\_\_\_, in Book \_\_\_\_\_ Page \_\_\_\_\_.
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 N/A, 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 \_\_\_\_\_, 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 31 day of March, 2021.

 (seal)  
STEPHEN FREEMAN  
 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 Stephen Freeman, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Passport, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



  
 Notary Public  
 State of North Carolina  
 My Commission Expires: 07-10-23

**AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION**

Application #:

**21CZ10**

Submission Date: 06/01/2021

**Insert legal description below.**

**PARCEL 1 RECORD DESCRIPTION:**

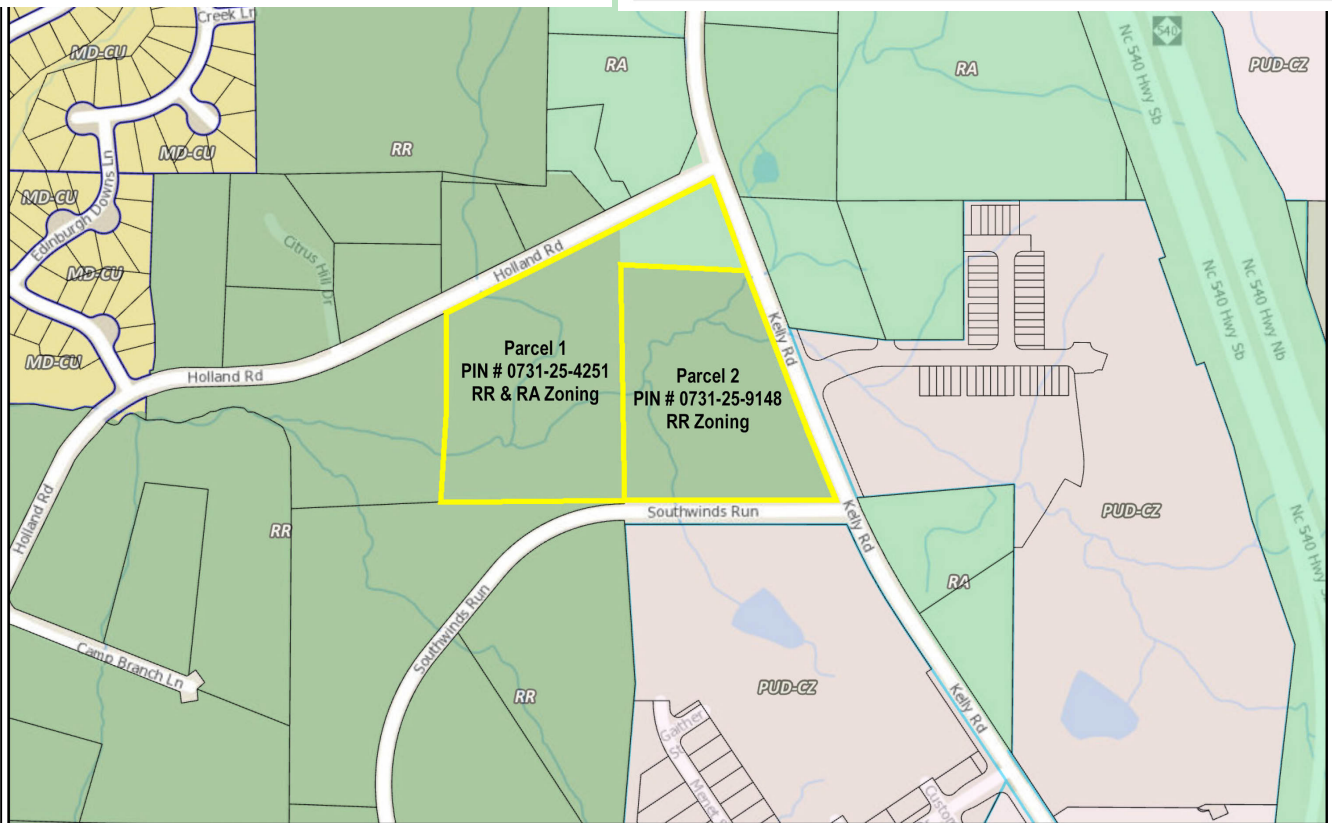
THE LAND REFERRED TO IN CHICAGO TITLE INSURANCE COMPANY COMMITMENT 21-00926CH IS DESCRIBED AS FOLLOWS:

BEGINNING at a nail in the center line of S. R. #1163, sometimes known as Kelly Road, at its intersection with S. R. #1187 (Formerly S.R. #1149), runs thence South 16 deg. 14 min. 54 sec. East along the center line of said S. R. #1163, 96.19 feet to a R.R. Spike in the center line of said road; thence South 17 deg. 19 min. 45 sec. East 243.07 feet to a p.k. nail; thence with the line of Poe North 83 deg. 30 min. 41 sec. West 414.99 feet to an iron bar and South 2 deg. 24 min. 43 sec. West 713.49 feet to an iron bar in Charles Tunstall's line; thence with said Tunstall, North 87 deg. 16 min. 52 sec. West, 559.39 feet to an iron bar; thence North 03 deg. 51 min. 27 sec. East with said Thomas Baker's line 599.25 feet to a bolt in the center line of S.R. #1187; thence with the centerline of S.R. #1187, North 66 deg. 45 min. East 604.02 feet to a stake; thence North 67 deg. 16 min. 34 sec. East 332.40 feet to the BEGINNING, containing 11.239 acres (net 10.381 outside rights of way) and being shown on a survey entitled "Property of David Roland Timberlake & wife, Barbara Jo Timberlake", prepared by Smith & Smith Surveyors, Apex, N.C., dated January 10, 1992.

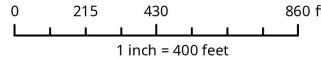
**PARCEL 2 RECORD DESCRIPTION:**

THE LAND REFERRED TO IN CHICAGO TITLE INSURANCE COMPANY COMMITMENT 21-00925CH IS DESCRIBED AS FOLLOWS:

BEGINNING at an existing flat iron, the Northeast corner for, now or formerly Charles F. Tunstall; runs thence North 85 degrees 26 minutes 56 seconds West 641.76 feet to an existing iron stake; thence North 03 degrees 30 minutes 00 seconds East 713.19 feet to an existing flat iron; thence South 82 degrees 54 minutes 12 seconds East 380.96 feet to an existing iron pipe (bent), the stake being located in the Western right of way of State Road 1163; thence with the Western right of way of State of State Road 1163 the following courses and distances: South 16 degrees 20 minutes 40 seconds East 351.00 feet; South 17 degrees 07 minutes 35 seconds East 160.00 feet; South 17 degrees 44 minutes 12 seconds East 237.21 feet to the place and point of BEGINNING, containing 8.20 acres as per survey by M. M. Weeks, R.L.S., dated January 30, 1990.



**Exhibit A - Vicinity & Existing Zoning 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.



## Wake County Residential Development Notification

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

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

Please send any questions about this form to:  
[studentassignment-gis-group@wcpss.net](mailto:studentassignment-gis-group@wcpss.net)

Developer Company Information	
<b>Company Name</b>	AMH Development, LLC
<b>Company Phone Number</b>	919-582-6197
<b>Developer Representative Name</b>	Stephen Freeman
<b>Developer Representative Phone Number</b>	404-895-8035
<b>Developer Representative Email</b>	sfreeman@ah4r.com

New Residential Subdivision Information	
<b>Date of Application for Subdivision</b>	05/14/2021
<b>City, Town or Wake County Jurisdiction</b>	Town of Apex
<b>Name of Subdivision</b>	Kelly Woods
<b>Address of Subdivision (if unknown enter nearest cross streets)</b>	2300 Kelly Rd, 2324 Kelly Rd, Apex
<b>REID(s)</b>	0069950, 0082569
<b>PIN(s)</b>	0731-25-4251, 0731-25-9148

Projected Dates Information	
<b>Subdivision Completion Date</b>	April 1, 2023 Platting Complete / May 1, 2024 Final Home Complete
<b>Subdivision Projected First Occupancy Date</b>	August 1, 2023

Lot by Lot Development Information																		
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
									Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	45					9	18	18	1,895	2,607	390 K	435K	2023	20	2024	25		
Townhomes																		
Condos																		
Apartments																		
Other																		

# NOTICE OF ELECTRONIC 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.

03/30/2021

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at 2300 Kelly Rd, 2324 Kelly Rd & 2508 Southwinds Run, Apex 0731-25-4251, 0731-25-9148, 0731-14-9410

Address(es)

PIN(s)

in accordance with the Town of Apex Electronic 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, you may contact the applicant before or after the meeting is held. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at [www.apexnc.org](http://www.apexnc.org). If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

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

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

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

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

Development of maximum 50 single family detached lots & associated infrastructure

## MEETING LINK REQUEST EMAIL DIANE BELOTTI: DBELOTTI@ESPASSOCIATES.COM

[https://teams.microsoft.com/j/19%3ameeting\\_NzkkMDFhZTlNDiIMy00OWU3LTk5ZjAtZmRjMTFjNTY0NjU1%40thread.v2/0?context=%7b%22id%22%3a%227f3568d-363f-4e58-a4d8-1c07f43b09fb%22%2c%220id%22%3a%227a52cbb6-3f3f-44dc-838c-232efb74db95%22%7d](https://teams.microsoft.com/j/19%3ameeting_NzkkMDFhZTlNDiIMy00OWU3LTk5ZjAtZmRjMTFjNTY0NjU1%40thread.v2/0?context=%7b%22id%22%3a%227f3568d-363f-4e58-a4d8-1c07f43b09fb%22%2c%220id%22%3a%227a52cbb6-3f3f-44dc-838c-232efb74db95%22%7d)

Estimated submittal date: 06/01/2021

### MEETING INFORMATION:

Property Owner(s) name(s):	Barbara Jo W Timberlake, Daniel & Denise Schardt, Timothy L & Cynthia O Donnelly	
Applicant(s):	AMH Development, LLC	
Contact information (email/phone):	sfreeman@ah4r.com	404-895-8035
Electronic Meeting invitation/call in info:	+1 843-779-7114,,11611301# United States, Charleston Phone Conference ID: 116 113 01# See description above for email to request a Teams Meeting link	
Date of meeting**:	Tuesday, 03/30/2021	
Time of meeting**:	6:00 PM - 8:00 PM	

### MEETING AGENDA TIMES:

Welcome: 5 minutes Project Presentation: 30 minutes Question & Answer: as needed

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

# PROJECT CONTACT INFORMATION

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## Development Contacts:

Project Name: Kelly Woods Zoning: Exsting: RA/RR Proposed: MD-CZ  
 Location: 2300 Kelly Rd, 2324 Kelly Rd & 2508 Southwinds Run, Apex, NC 27502  
 Property PIN(s): 0731-25-4251, 0731-25-9148, 0731-14-9410 Acreage/Square Feet: +/- 19.86 Ac

Property Owner: Barbara Jo W Timberlake, Trustee of Barbara Jo W Timberlake Family Trust  
 Address: 2300 Kelly Rd  
 City: Apex State: NC Zip: 27502  
 Phone: 919-362-0126 Email: bjtlake@att.net

Developer: AMH Development, LLC  
 Address: 2100 Gateway Centre Blvd, Suite 120  
 City: Morrisville State: NC Zip: 27560  
 Phone: 919-582-6197 Fax: n/a Email: sfreeman@ah4r.com

Engineer: ESP Associates, Inc.  
 Address: 2200 Gateway Centre Blvd, Suite 216  
 City: Morrisville State: NC Zip: 27560  
 Phone: 919-678-1070 Fax: 919-677-1252 Email: erothrocks@espassociates.com

Builder (if known): n/a  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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

## Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineer (Water & Sewer)	(919) 249-3537 (919) 249-1166 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

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Property Owner: Daniel & Denise Schardt  
 Address: 2324 Kelly Rd  
 City: Apex State: NC Zip: 27502  
 Phone: 919-244-5343 / 919-244-0649 Email: bowtieguy1963@yahoo.com

Developer: AMH Development, LLC  
 Address: 2100 Gateway Centre Blvd, Suite 120  
 City: Morrisville State: NC Zip: 27560  
 Phone: 919-582-6197 Fax: n/a Email: sfreeman@ah4r.com

Engineer: ESP Associates, Inc.  
 Address: 2200 Gateway Centre Blvd, Suite 216  
 City: Morrisville State: NC Zip: 27560  
 Phone: 919-678-1070 Fax: 919-677-1252 Email: erothrocks@espassociates.com

Builder (if known): n/a  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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Property Owner: Timothy L & Cynthia O Donnelly  
 Address: 2508 Southwinds Run  
 City: Apex State: NC Zip: 27502  
 Phone: 919-625-2912 Email: apextimothy@gmail.com

Developer: AMH Development, LLC  
 Address: 2100 Gateway Centre Blvd, Suite 120  
 City: Morrisville State: NC Zip: 27560  
 Phone: 919-582-6197 Fax: n/a Email: sfreeman@ah4r.com

Engineer: ESP Associates, Inc.  
 Address: 2200 Gateway Centre Blvd, Suite 216  
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 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

# ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE 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 Format: Teams Meeting  
 Date of meeting: Tuesday, 03/30/2021 Time of meeting: 6:00 pm - 8:00 pm  
 Property Owner(s) name(s): Barbara Jo W Timberlake, Daniel & Denise Schardt, Timothy L & Cynthia O Donnelly  
 Applicant(s): AMH Development . LLC

Please list Electronic Neighborhood Meeting Attendees who provided their name and/or contact information either during the meeting or via phone/email before or after the meeting.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Adam Ashbaugh/ESP Associates, Inc	2200 Gateway Centre Blvd, Ste 216 Morrisville, NC 27560			
2.	Emily Rothrock/ESP Associates, Inc	2200 Gateway Centre Blvd, Ste 216 Morrisville, NC 27560			
3.	Stephen Freeman/AMH Development	2100 Gateway Centre Blvd, Ste 120 Morrisville, NC 27560			
4.	Denise Schardt	2324 Kelly Rd, Apex NC 27502			
5.	Danny Schardt	2324 Kelly Rd, Apex NC 27502			
6.	Barbara Timberlake	2300 Kelly Rd, Apex NC 27502			
7.	Brenda Bubbelman/Coldwell Banker HPW				
8.	Vanessa Nelson				
9.	JW Shearin/Coldwell Banker HPW				
10.	Tim Donnelly	2508 Southwinds Run, Apex NC 27502			
11.	Judith Luebke	2305 Kelly Rd, Apex NC 27502			
12.	Jeanne Hiesel	2309 Kelly Rd, Apex NC 27502			
13.					
14.					

Use additional sheets, if necessary.

# SUMMARY OF DISCUSSION FROM THE ELECTRONIC 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): Barbara Jo W Timberlake, Daniel & Denise Schardt, Timothy L & Cynthia O Donnelly

Applicant(s): AMH Development, LLC

Contact information (email/phone): 919-582-6197 sfreeman@ah4r.com

Meeting Format: Teams Meeting

Date of meeting: Tuesday, 03/30/2021 Time of meeting: 6:00 pm - 8:00 pm

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

Question/Concern #1: See attached Neighborhood Meeting Report for summary of issues discussed

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Applicant's Response:

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Question/Concern #2:

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Applicant's Response:

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Question/Concern #3:

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Applicant's Response:

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Question/Concern #4:

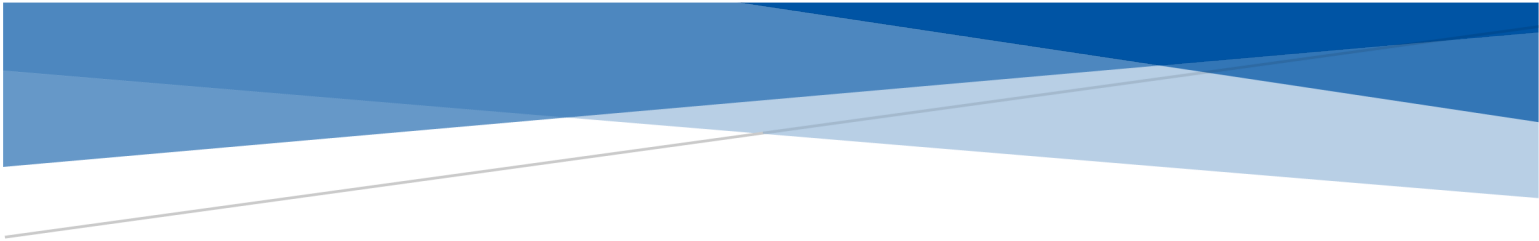
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Applicant's Response:

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# KELLY WOODS

## Neighborhood Meeting Report

**March 30, 2021**

Microsoft Teams Virtual Meeting  
6:00-8:00 PM





# Table of Contents

- Summary of Issues Discussed
- Meeting Presentation Appendix A
- Invitation Notice to Neighbors Appendix B

## **Kelly Woods Neighborhood Meeting Summary**

### Development Team:

AMH Development - Morrisville: Stephen Freeman, Manager, Land Acquisitions

ESP Associates: Adam Ashbaugh, Civil Engineer, Planner  
Emily Rothrock, Landscape Architect

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The meeting began at 6:00pm with Adam Ashbaugh with a welcome and introduction to Emily Rothrock.

Emily, introduced the project and gave an overview of the project scope and location. The floor was then opened for questions. Stephen provided an introduction to AMH Development, the products they provide and a brief overview of their company and himself. There were approximately nine attendees. Questions were asked by two attendees.

The majority of the questions involved the following topics. (Black Text)

- Entrance Locations/Traffic Flow
- Sewer and Water Capacity/Waterline Extension
- Privacy Fence Buffer

Both Mr. Freeman and the planners responded to the neighbors' questions. Most of the attendees live in the subdivisions directly adjacent to the parcel across Kelly Rd or were parcel owners or Brokers.

A general summary of the public comments and issues raised, together with Development Team responses are as follows:

#### **1. Entrance Locations/Traffic:**

- **Concern expressed over entrance location and increased traffic on Kelly Rd and homeowner's property.**

It was acknowledged that preliminary design will call for entrances to be on Holland Rd and Southwinds Run. Final determinations will come from NCDOT and Town of Apex. The final Subdivision Plan will provide adequate dedication of right-of-way along project frontages abutting Holland Rd. and Kelly Rd. to accommodate future right-of-way widths and road improvements outlined in the Town of Apex Thoroughfare and Collector Street Plan.

#### **2. Sewer and Water Capacity:**

- **Will the proposed development strain water and sewer capacity?**

Potable water will be provided to the property via Town of Apex public water. Gravity sewer service to the proposed development will connect to the existing Town of Apex sewer main traversing the property. No anticipated impact to wells or aquifer system is expected.

- **Consideration for a waterline extension was requested. It was suggested perhaps tying into the new waterline adjacent to the 2509 Southwinds Run and West Village boundary, servicing the proposed project and alternatively extend the equivalent extension requirement within Westwinds or similar cost contribution for future water improvements.**

The Applicant is willing to consider working with Westwinds HOA and Town on waterline requirements and/or improvements.

- **Is there a plan to hide the sewer manhole/cap that is visible on the front of the Schardt property, 2324 Kelly Rd, along Kelly Rd frontage?**

This is a Town of Apex sewer line. No improvements to the sewer infrastructure are planned at this time but this will be coordinated with the Town as plans develop.

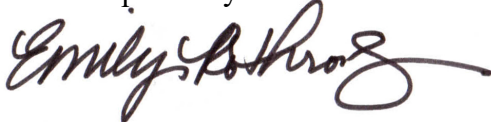
### 3. **Privacy/Fence Buffer**

- **Is there a plan for keeping a 6' privacy fence along Southwinds Run?**

The existing privacy fence will be considered in further plan development and the applicant is willing to explore keeping, repairing, and or adding to the fence as part of any required screening/buffering.

Question and Answer session adjourned and all participants logged off by 6:45pm. Organizers stayed logged on for the duration of the meeting.

Respectively submitted.



Emily Rothrock, PLA  
ESP Associates, Inc.

Copy: File  
Client  
Town of Apex

## Appendix A: Neighborhood Meeting Presentation

**Kelly Woods**

**NEIGHBORHOOD MEETING PRESENTATION**

**03/30/2021**

**6:00pm to 8:00pm**

 **ESP AMH Development**

# Rezoning Process

- 1. Pre – Application Meeting** (completed 03/04/2021)
- 2. Neighborhood Meeting** (current 03/30/2021)
3. Rezoning Petition Application and Schedule
4. 2025 Land Use Plan
5. Review for Sufficiency
6. Public Hearing Notification
7. Planning Board Meeting
8. Town Council Meeting

# Aerial View



# Vicinity & Existing Zoning Map

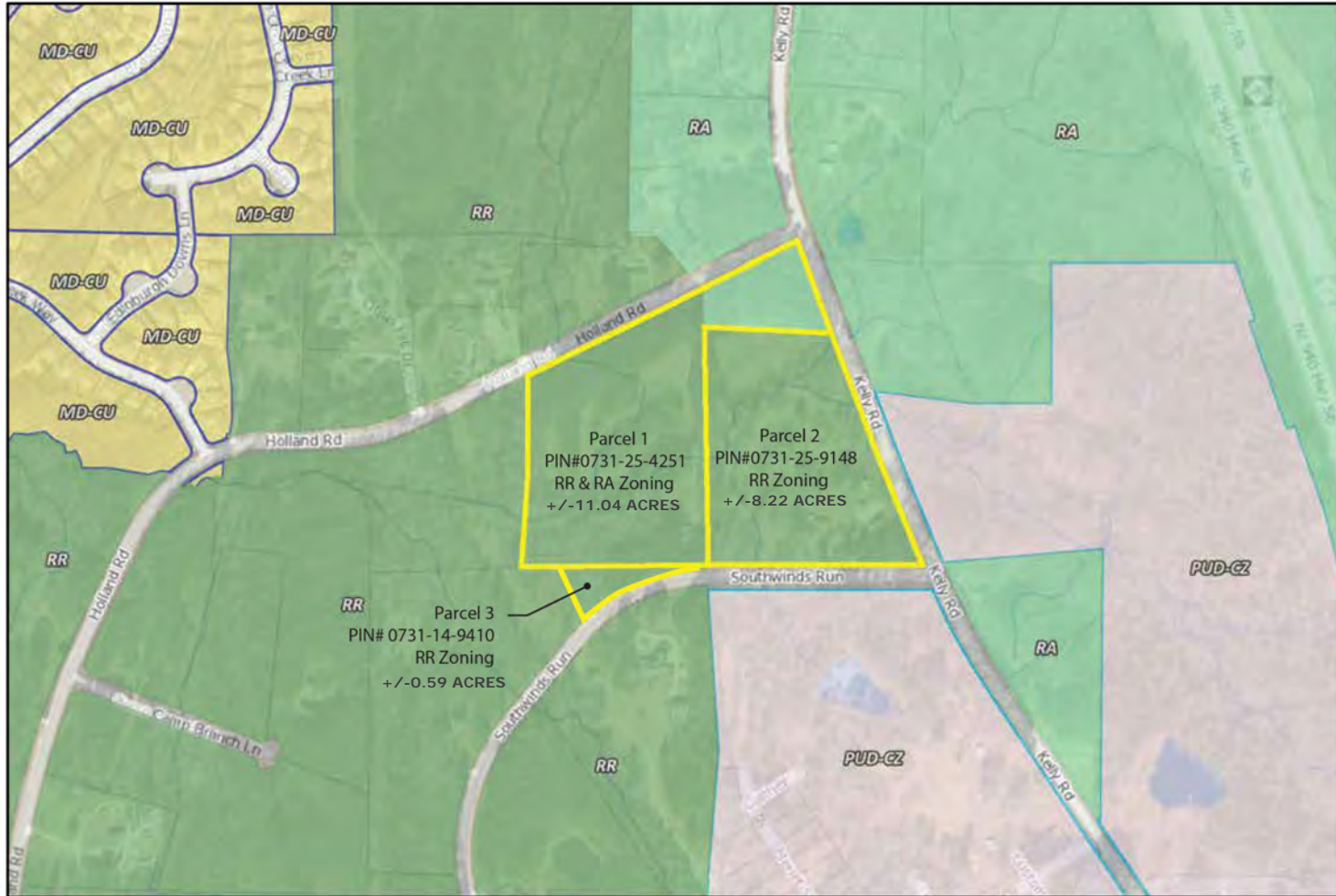
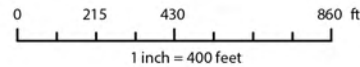


Exhibit A - Vicinity & Existing Zoning Map



Disclaimer:  
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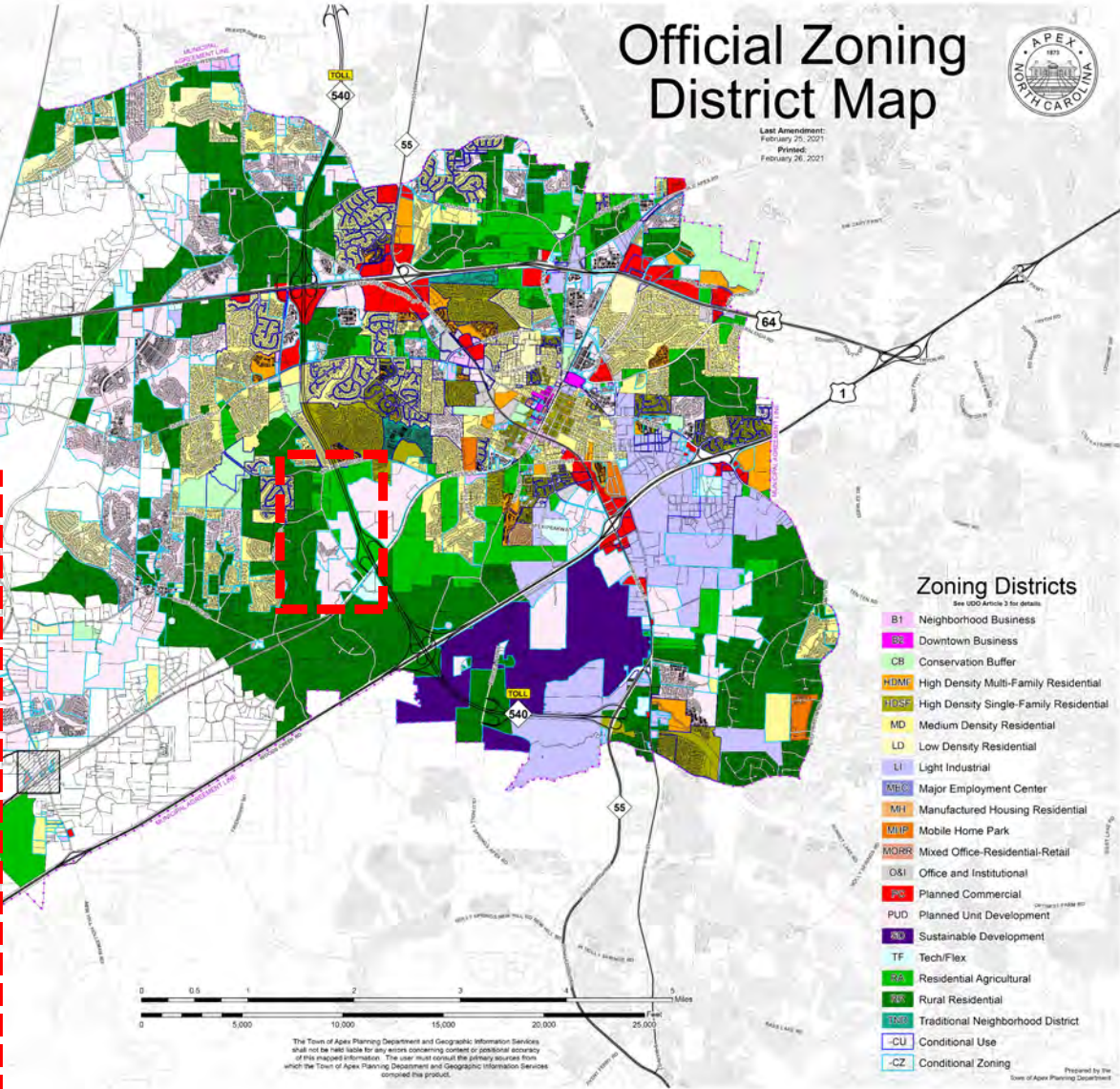
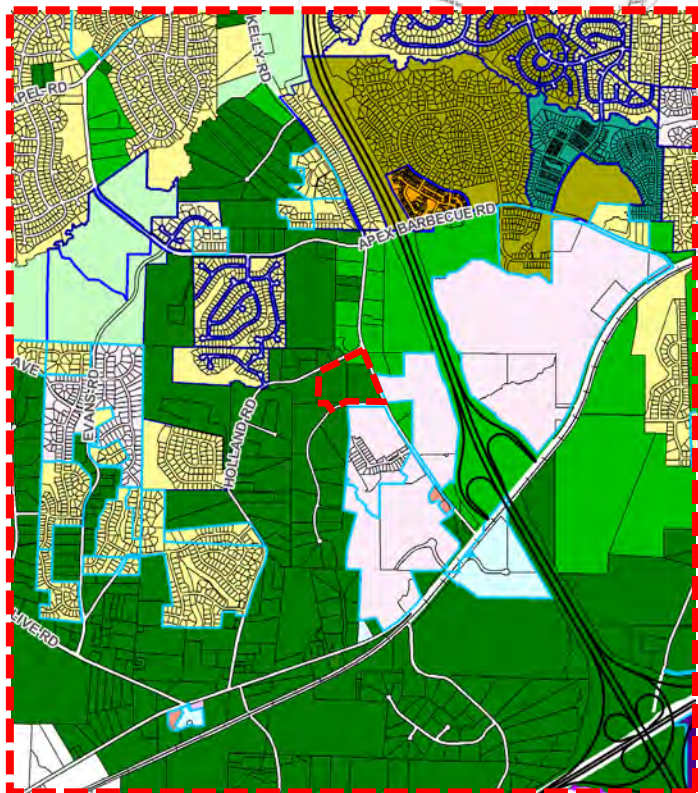
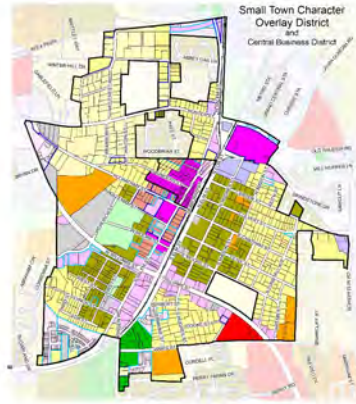


# Apex Zoning Map

## Official Zoning District Map



Last Amendment:  
February 25, 2021  
Printed:  
February 26, 2021



### Zoning Districts

See UDD Article 3 for details

- B1 Neighborhood Business
- B2 Downtown Business
- CB Conservation Buffer
- HDM High Density Multi-Family Residential
- HDSF High Density Single-Family Residential
- MD Medium Density Residential
- LD Low Density Residential
- LI Light Industrial
- MBE Major Employment Center
- MH Manufactured Housing Residential
- MHP Mobile Home Park
- MORR Mixed Office-Residential-Retail
- O&I Office and Institutional
- PC Planned Commercial
- PUD Planned Unit Development
- SD Sustainable Development
- TF Tech/Flex
- RA Residential Agricultural
- RR Rural Residential
- TRD Traditional Residential District
- CU Conditional Use
- CZ Conditional Zoning

The Town of Apex Planning Department and Geographic Information Services shall not be held liable for any errors concerning content or positional accuracy of the mapped information. The user must obtain the primary insurance from which the Town of Apex Planning Department and Geographic Information Services compiled this product.

# Apex Zoning Map

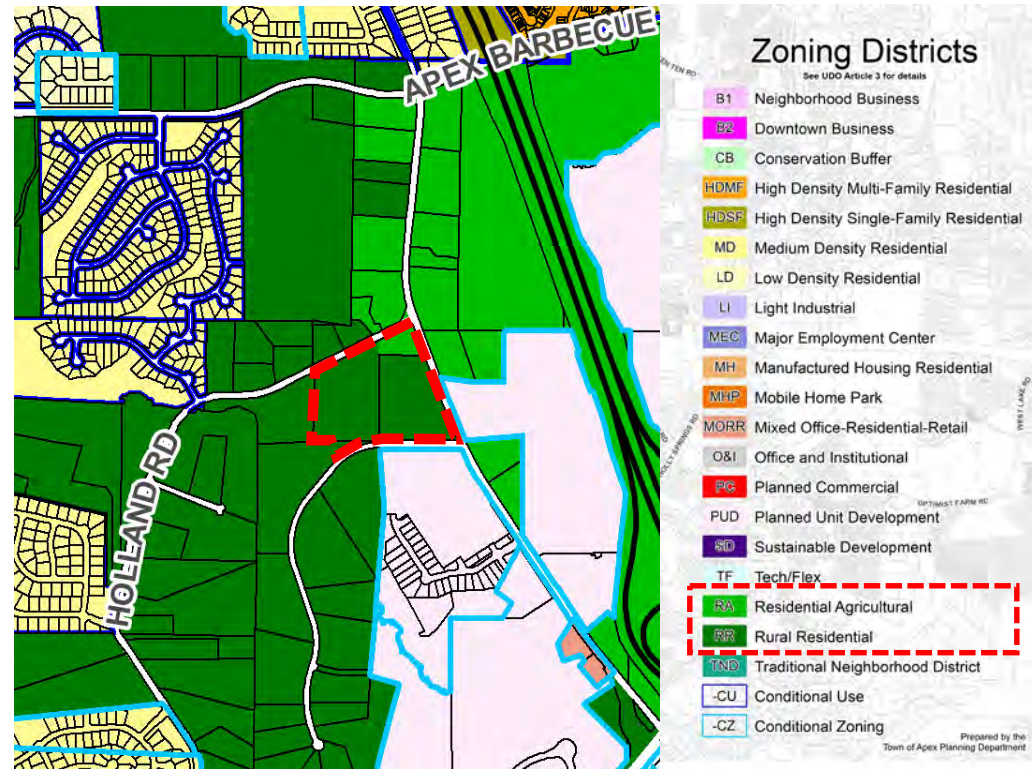
## Existing Zoning

### Residential Agricultural (RA)

- The purpose and intent of the RA Residential Agricultural District is to protect and enhance an agricultural and rural lifestyle by providing lands that allow for agricultural uses, and very low density rural and residential development.
- Single family homes in the Residential Agricultural (RA) District shall have an average lot size of 5 acres or greater per residential development.

### Rural Residential (RR)

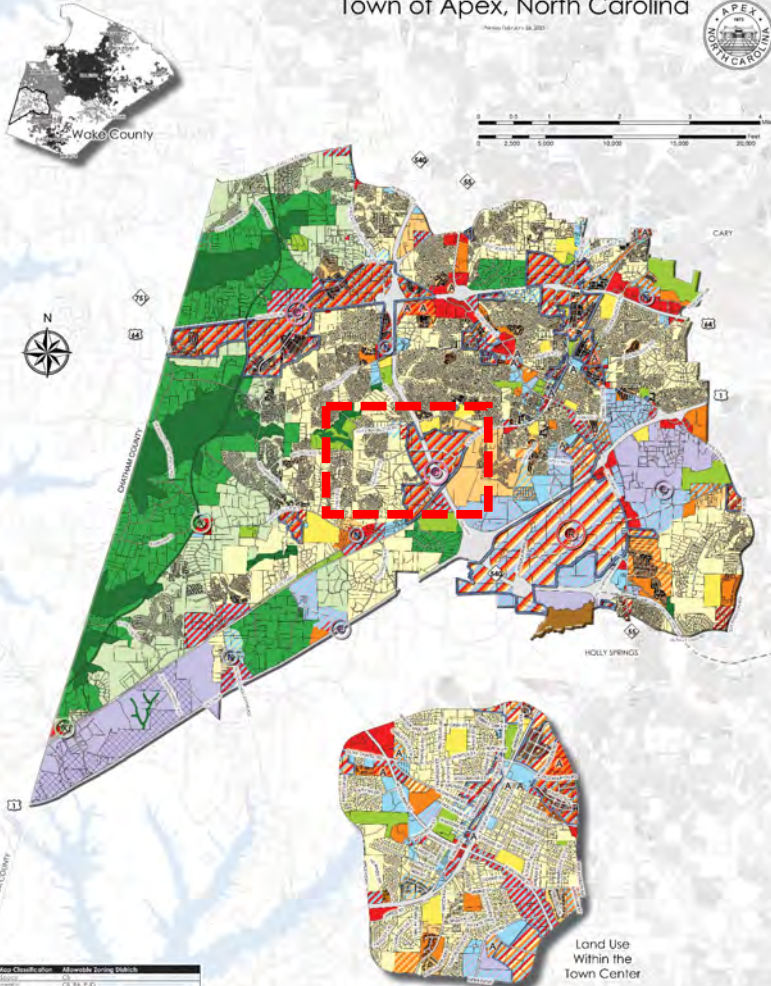
- The purpose and intent of the RR Rural Residential District is to provide for lower density rural and residential development while accommodating smaller lot sizes than the RA Residential Agricultural District.
- Single family homes in the Rural Residential (RR) District shall have an average lot size of 1 acre or greater per residential development.



# Consistency with Comprehensive Plan

## 2045 Land Use Map Town of Apex, North Carolina

Revised March 14, 2023



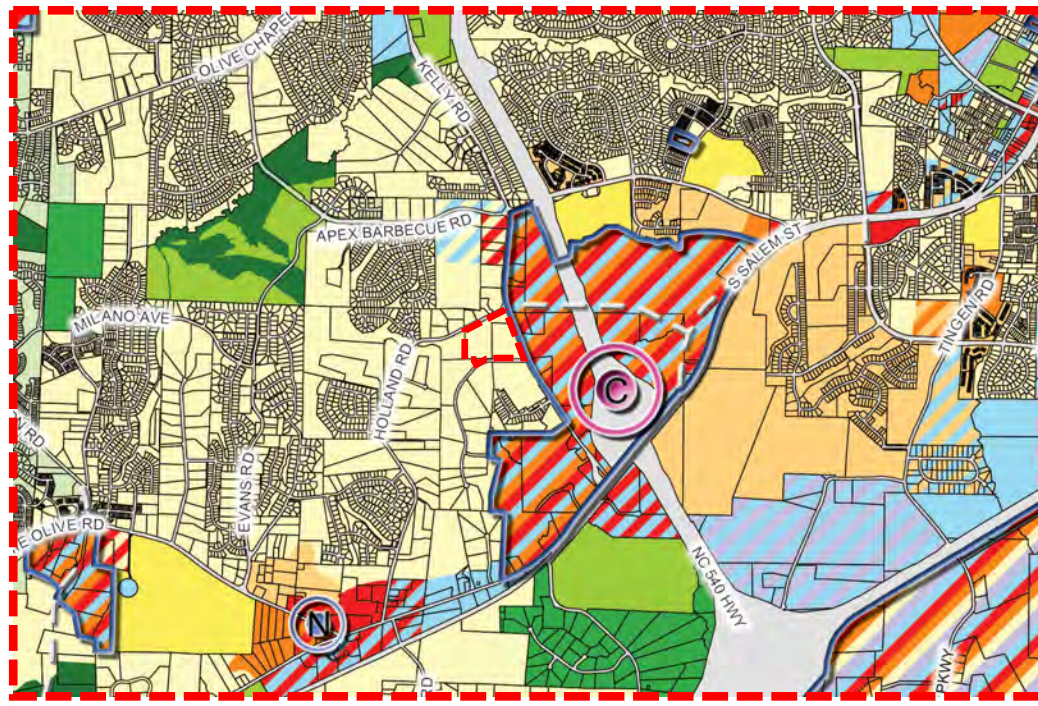
Land Use Within the Town Center

2045 Land Use Classification	Allowable Zoning Districts
Protected Open Space	OS, OS-1, OS-2
Rural Density Residential	RD, RD-1, RD-2
Low Density Residential	LD, LD-1, LD-2, LD-3
Medium Density Residential	MD, MD-1, MD-2, MD-3, MD-4, MD-5
Medium/High Density Residential	MHD, MHD-1, MHD-2, MHD-3
High Density Residential	HD, HD-1, HD-2, HD-3
Office Employment	OE, OE-1, OE-2, OE-3
Commercial Services	CS, CS-1, CS-2, CS-3
Industrial Employment	IE, IE-1, IE-2, IE-3
Park—Public or Private	P, P-1, P-2, P-3
School	S, S-1, S-2, S-3
Sanitary Landfill	SL, SL-1, SL-2
Right-of-Way	R, R-1, R-2, R-3
Mixed Use	M, M-1, M-2, M-3
Property Lines	PL, PL-1, PL-2
Duke Energy Land	DEL, DEL-1, DEL-2
Proposed Thoroughfares	PT, PT-1, PT-2

- Future Land Classifications**
- Protected Open Space
  - Rural Density Residential
  - Low Density Residential
  - Medium Density Residential
  - Medium/High Density Residential
  - High Density Residential
  - Office Employment
  - Commercial Services
  - Industrial Employment

- Park—Public or Private
- School
- Sanitary Landfill
- Right-of-Way
- Mixed Use
- Property Lines
- Duke Energy Land
- Proposed Thoroughfares

- Potential Activity Centers**
- Neighborhood Mixed Use (NMU)
  - Employment Mixed Use (EMU)
  - Community Mixed Use (CMU)
  - Regional Mixed Use (RMU)
  - Recreational Mixed Use (XMU)



### Future Land Classifications

- Protected Open Space
- Rural Density Residential
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- Potential Activity Centers**
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# Consistency with Comprehensive Plan

## Comprehensive Plan Future Zoning

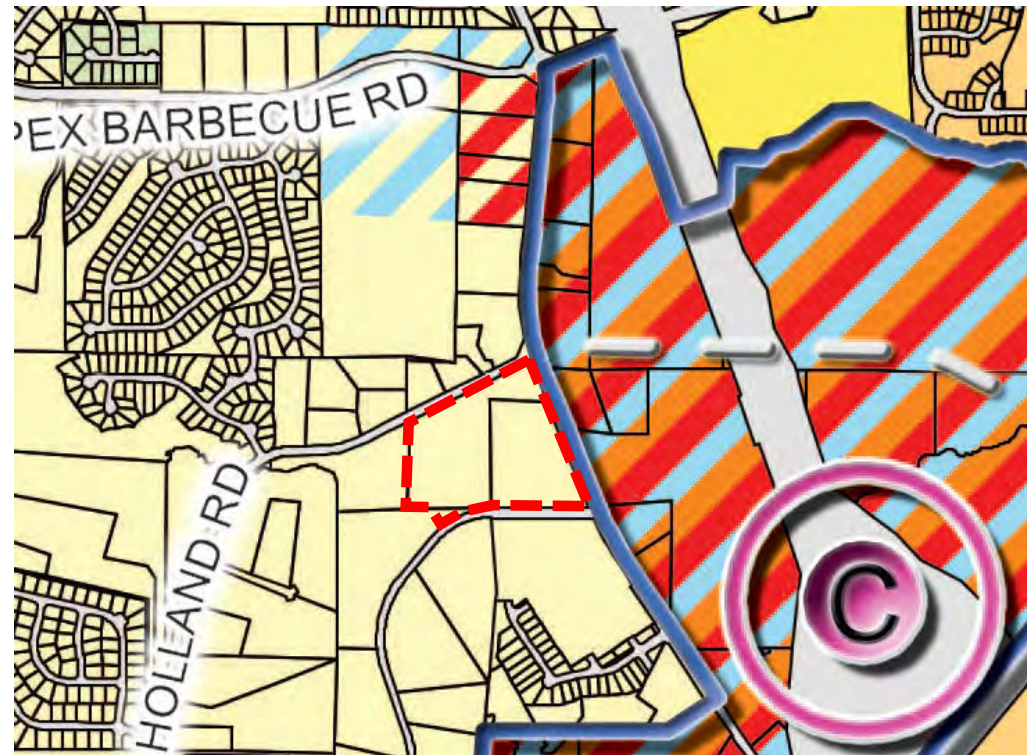
### Medium Density Residential

(Single Family Homes – duplexes, and Townhomes)

- Medium Density Residential primary uses include both single-family homes and townhomes up to 6 units per acre.
- Medium Density Residential provides a transition from the more urbanized areas of Apex to the Low Density neighborhoods in the western part of the study area.

**Proposed Use: Maximum 45 Single-Family detached residential lots**

**Proposed Density: Maximum 2.34 du/acre**



#### Future Land Classifications



#### Potential Activity Centers



## Recommended Conditions from Environmental Advisory Board

1. Preserve tree canopy within all buffers and perimeter boundaries with the exception of pedestrian amenities and town utilities, and as appropriate with required construction.
2. Deciduous shade trees will be located on the south side of structures where practical.
3. Planting on site will include native selections and habitat supportive species specific to pollinators.
4. Planting will focus on selections with seasonal succession to support native wildlife.
5. Areas outside of new construction will be preserved as practical with the intent to maintain native habitat/systems.
6. Plants selected will limit required irrigation including but not limited to warm season turf grass where appropriate.
7. Trees used on site will be selected to specifically increase the native species diversity of hardwood trees.
8. Installation of signage near environmentally sensitive areas to address pet waste and chemical use as appropriate.
9. Use LID techniques based on NC DEQ standards techniques where attainable based on soil conditions.
10. Add pet waste stations along pedestrian walkway at both access points at minimum.
11. Outdoor lighting shall be shielded in a way that focuses lighting to the ground.



# AMH DEVELOPMENT



December 1, 2020



## AMH Development:

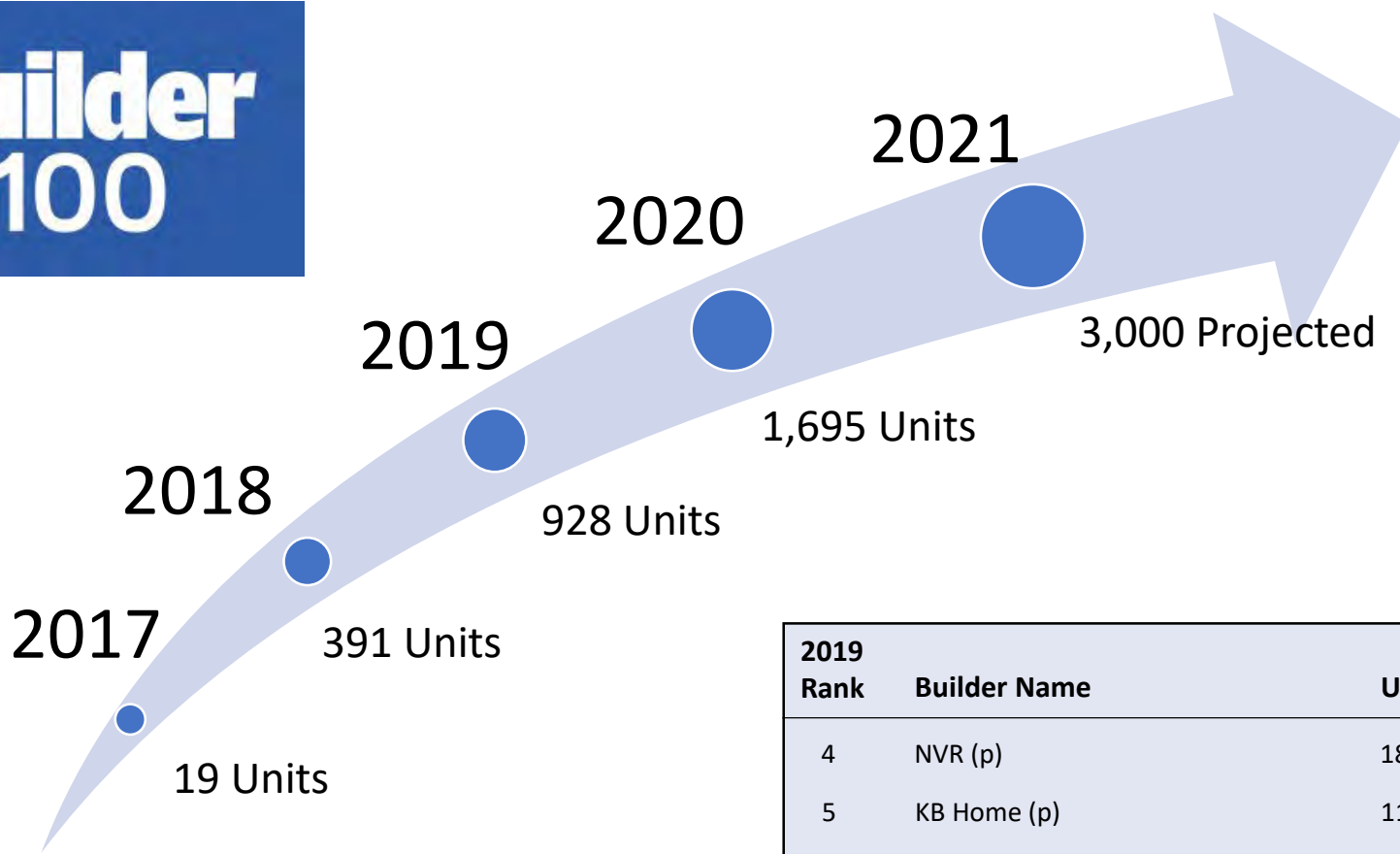
- Wholly owned subsidiary of American Homes 4 Rent.
- Largest builder of single-family rental homes in the U.S.
- Founded in order to grow the AH4R portfolio from 52,000 to over 200,000 homes.
- Building in over 60 subdivisions in 15 cities across the U.S. and will add an additional 4 cities in 2021.
- Top 40 home builder by volume in 2020.
- Expected top 25 home builder by the end of 2021.
- Expected to deliver 300 to 500 homes annually in each market where we currently build.
- AMH Development plans on adding an additional 1000 homes under construction per year after 2021.



# AMH DEVELOPMENT – BUILDER 100 Ranking



## Builder 100

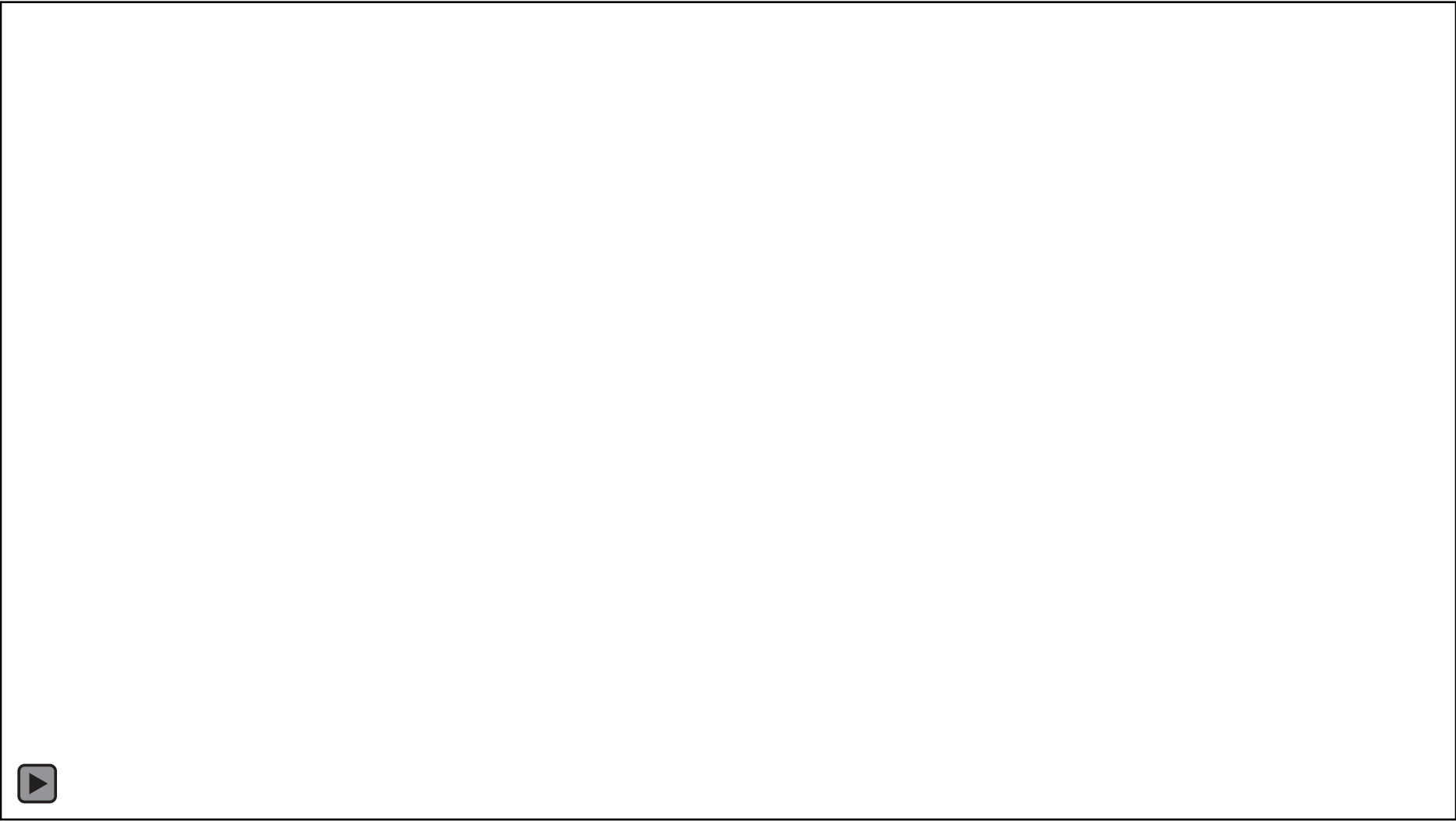


Transitioning from explosive growth to a sustainable growth model (25-30% YOY target)

Competing directly with Top 20 Builders in land acquisition

2019 Rank	Builder Name	Units
4	NVR (p)	18,447
5	KB Home (p)	11,317
16	David Weekley Homes	4,687
22	Mattamy Homes	3,313
29	Drees Homes	1,971
36	Dream Finders Homes	1,408





# Sample Prototype Elevations – 3 Bedroom Homes



# Sample Prototype Elevations – 4 Bedroom Homes



# Sample Prototype Elevations – 5 Bedroom Homes



# Rezoning Process - Next Steps

1. Pre – Application Meeting (completed 03/04/2021)
2. Neighborhood Meeting (completed 03/30/2021)
3. Rezoning Petition Application and Schedule
4. 2025 Land Use Plan (Not Required)
5. Review for Sufficiency
6. Public Hearing Notification
7. Planning Board Meeting
8. Town Council Meeting

**Questions?**

## Appendix B: Invitation Notice to Neighbors

# NOTICE OF ELECTRONIC 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.

03/30/2021

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at 2300 Kelly Rd, 2324 Kelly Rd & 2508 Southwinds Run, Apex 0731-25-4251, 0731-25-9148, 0731-14-9410

Address(es)

PIN(s)

in accordance with the Town of Apex Electronic 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, you may contact the applicant before or after the meeting is held. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at [www.apexnc.org](http://www.apexnc.org). If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

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

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

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

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

Development of maximum 50 single family detached lots & associated infrastructure

## MEETING LINK REQUEST EMAIL DIANE BELOTTI: DBELOTTI@ESPASSOCIATES.COM

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NzkxMDFhZTRhNDIiMy00OWU3LTk5ZjAtZmRjMTFjNTY0NjU1%40thread.v2/0?context=%7b%22id%22%3a%22f7f3568d-363f-4e58-a4d8-1c07f43b09fb%22%2c%22oid%22%3a%227a52cbb6-3f3f-44dc-838c-232efb74db95%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NzkxMDFhZTRhNDIiMy00OWU3LTk5ZjAtZmRjMTFjNTY0NjU1%40thread.v2/0?context=%7b%22id%22%3a%22f7f3568d-363f-4e58-a4d8-1c07f43b09fb%22%2c%22oid%22%3a%227a52cbb6-3f3f-44dc-838c-232efb74db95%22%7d)

Estimated submittal date: 04/01/2021

### MEETING INFORMATION:

Property Owner(s) name(s):	Barbara Jo W Timberlake, Daniel & Denise Schardt, Timothy L & Cynthia O Donnelly	
Applicant(s):	AMH Development	
Contact information (email/phone):	sfreeman@ah4r.com	404-895-8035
Electronic Meeting invitation/call in info:	+1 843-779-7114,,11611301# United States, Charleston Phone Conference ID: 116 113 01# See description above for email to request a Teams Meeting link	
Date of meeting**:	Tuesday, 03/30/2021	
Time of meeting**:	6:00 PM - 8:00 PM	

### MEETING AGENDA TIMES:

Welcome: 5 minutes Project Presentation: 30 minutes Question & Answer: as needed

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



# PROJECT CONTACT INFORMATION

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

## Development Contacts:

Project Name: Kelly Woods Zoning: Exsting: RA/RR Proposed: MD  
 Location: 2300 Kelly Rd, 2324 Kelly Rd & 2508 Southwinds Run, Apex, NC 27502  
 Property PIN(s): 0731-25-4251, 0731-25-9148, 0731-14-9410 Acreage/Square Feet: +/- 19.86 Ac

Property Owner: Barbara Jo W Timberlake, Trustee of Barbara Jo W Timberlake Family Trust  
 Address: 2300 Kelly Rd  
 City: Apex State: NC Zip: 27502  
 Phone: 919-362-0126 Email: bjtlake@att.net

Developer: AMH Development  
 Address: 2100 Gateway Centre Blvd, Suite 120  
 City: Morrisville State: NC Zip: 27560  
 Phone: 919-582-6197 Fax: n/a Email: sfreeman@ah4r.com

Engineer: ESP Associates, Inc.  
 Address: 2200 Gateway Centre Blvd, Suite 216  
 City: Morrisville State: NC Zip: 27560  
 Phone: 919-678-1070 Fax: 919-677-1252 Email: erothrock@espassociates.com

Builder (if known): n/a  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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

## Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineer (Water & Sewer)	(919) 249-3537 (919) 249-1166 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

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Property Owner: Daniel & Denise Schardt  
 Address: 2324 Kelly Rd  
 City: Apex State: NC Zip: 27502  
 Phone: 919-244-5343 / 919-244-0649 Email: bowtieguy1963@yahoo.com

Developer: AMH Development  
 Address: 2100 Gateway Centre Blvd, Suite 120  
 City: Morrisville State: NC Zip: 27560  
 Phone: 919-582-6197 Fax: n/a Email: sfreeman@ah4r.com

Engineer: ESP Associates, Inc.  
 Address: 2200 Gateway Centre Blvd, Suite 216  
 City: Morrisville State: NC Zip: 27560  
 Phone: 919-678-1070 Fax: 919-677-1252 Email: erothrook@espassociates.com

Builder (if known): n/a  
 Address: \_\_\_\_\_  
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Property Owner: Timothy L & Cynthia O Donnelly  
 Address: 2508 Southwinds Run  
 City: Apex State: NC Zip: 27502  
 Phone: 919-625-2912 Email: apextimothy@gmail.com

Developer: AMH Development  
 Address: 2100 Gateway Centre Blvd, Suite 120  
 City: Morrisville State: NC Zip: 27560  
 Phone: 919-582-6197 Fax: n/a Email: sfreeman@ah4r.com

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Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

### **Providing Input to Town Council:**

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1<sup>st</sup> and 3<sup>rd</sup> 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](mailto:AllCouncil@apexnc.org).

### **Private Agreements and Easement Negotiation:**

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

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

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

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

### **Documentation:**

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

# COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

## **Construction Traffic: James Misciagno 919-372-7470**

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

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

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

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

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

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

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

## **Dirt on Properties or in Streams: James Misciagno 919-372-7470 Danny Smith [Danny.Smith@ncdenr.gov](mailto: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](mailto: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 Mike Deaton at 919-249-3413.

## **Electric Utility Installation: Rodney Smith 919-249-3342**

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

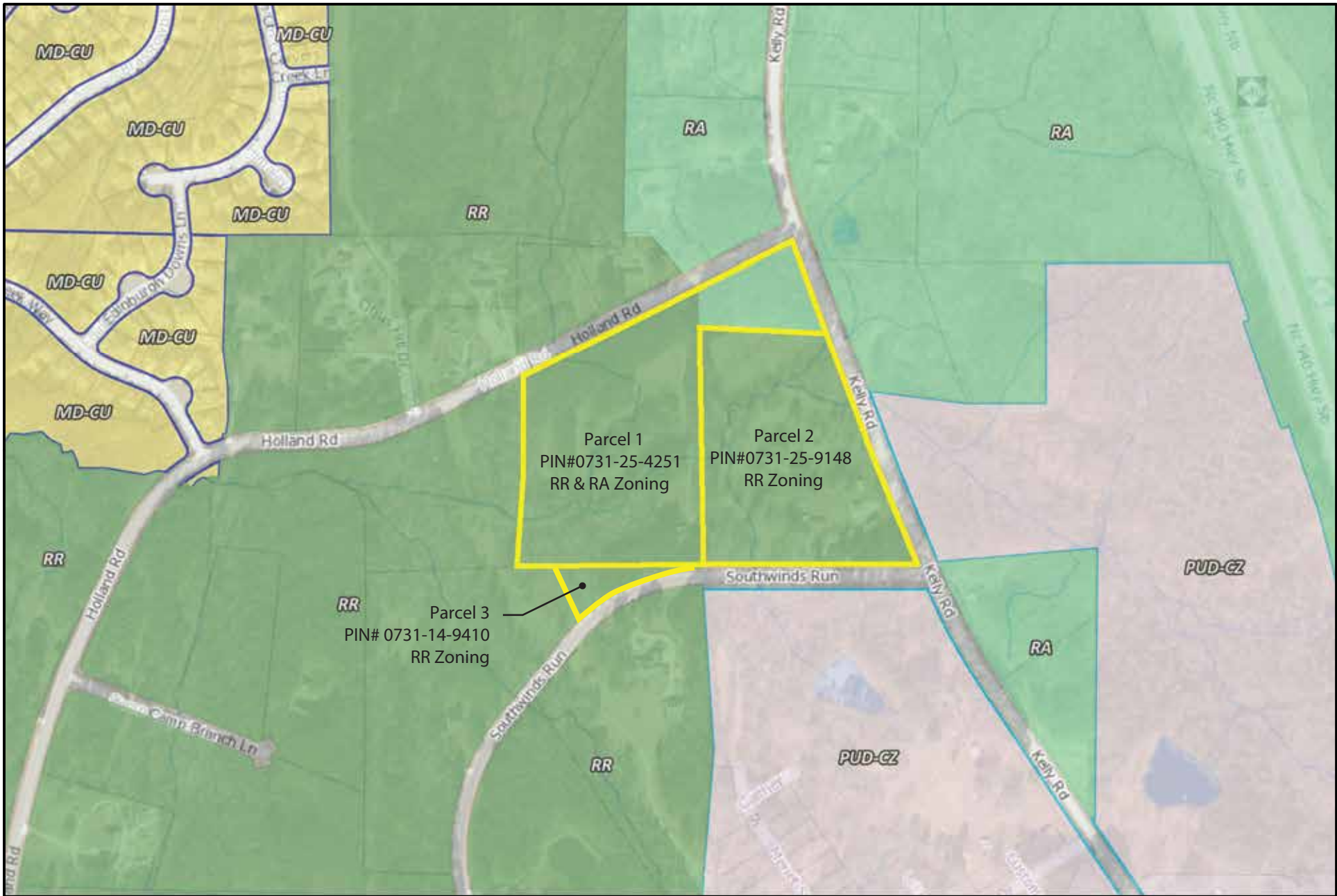
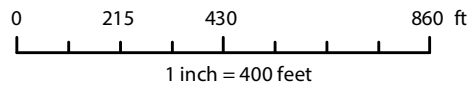


Exhibit A - Vicinity & Existing Zoning Map



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.



ESP Associates, Inc.  
2200 Gateway Centre Blvd., Suite 210  
Morrisville, NC 27560  
919.678.1070  
www.espassociates.com

# AFFIDAVIT OF CONDUCTING AN ELECTRONIC NEIGHBORHOOD MEETING 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, Stephen L. Freeman, do hereby declare as follows:  
Print Name

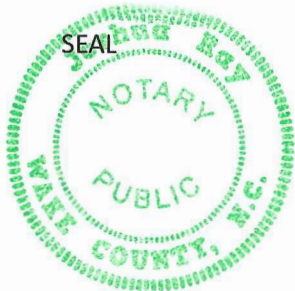
1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Electronic Neighborhood Meeting.
3. The meeting was conducted via Teams Meeting (indicate format of meeting) on 03/30/2021 (date) from 6:00 pm (start time) to 8:00 pm (end time).
4. I have included the mailing list, meeting invitation, attendance 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.

03/31/2021  
Date

By: [Signature]

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Ray, a Notary Public for the above State and County, on this the 31<sup>st</sup> day of March, 2021.



[Signature]  
Notary Public  
Joshua Ray  
Print Name

My Commission Expires: 07-18-23