

STAFF REPORT

Rezoning #21CZ16 Heelan PUD Amendment

July 27, 2021 Town Council Meeting



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

BACKGROUND INFORMATION:

Location: 8824 & 8829 New Hope Farm Road; 3108 & 3120 Olive Farm Road;
0 Humie Olive Road
Applicant: Jason Barron, Morningstar Law Group
Authorized Agent: Erica Leatham, M/I Homes of Raleigh, LLC
Owners: Henry Steven Kastelberg, Carol B Heelan Irrevocable Trust, Lisa & Jerif Cicin, and Deborah N & Edward A Peart

PROJECT DESCRIPTION:

Acreage: +/- 142.42 acres
PINs: 0720090188, 0710987950, 0720181967, 0720075965, and 0720092779
Current Zoning: Planned Unit Development–Conditional Zoning (PUD-CZ #19CZ21)
Proposed Zoning: Planned Unit Development–Conditional Zoning (PUD-CZ)
2045 Land Use Map: Low Density Residential/Medium Density Residential
Town Limits: Inside Corporate Limits

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Wake County Residential-40W; Conservation Buffer (CB); Low Density Residential-Conditional Zoning (LD-CZ #20CZ13)	Single-family residential & Vacant (future Town park); Humie Olive Rd
South:	Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ01 & 19CZ17)	Single-family residential (Woodbury Subdivision)
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ02); Wake County Residential-40W; Conservation Buffer (CB)	Single-family residential (future Friendship Station PUD); Protected Open Space (State of North Carolina)
West:	Wake County Residential-40W; Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ34)	Single-family residential; Single-family residential (future Olive Ridge Subdivision)

EXISTING CONDITIONS:

The site consists of five (5) parcels totaling +/- 142.42 acres. The Heelan Property PUD is in the southwest region of Apex, south of Humie Olive Road, east of New Hill Olive Chapel Road, and west of Olive Farm Road. The Friendship Station PUD is under development east of the site and the Woodbury Subdivision is under development south of the site. The lots are primarily vacant and wooded with a few cleared areas and several large streams throughout. A portion of the southernmost property is located within a FEMA designated floodplain. This project is adjacent to the Little Beaver Creek conservation easement. The original zoning petition was approved by Town Council on October 6, 2020.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on April 29, 2021. The meeting report is attached to the staff report.

2045 LAND USE MAP:

The 2045 Land Use Map designates the northwestern portion of the site as Low Density Residential and the remaining area as Medium Density Residential. The proposed PUD amendment does not impact the density of

STAFF REPORT

Rezoning #21CZ16 Heelan PUD Amendment

July 27, 2021 Town Council Meeting



the development or the type of uses approved. The proposed rezoning is a valid district within the current Land Use Map designations.

PLANNED UNIT DEVELOPMENT PLAN:

The intent of this PUD amendment is to amend Rezoning Case #19CZ21 Heelan PUD in the following ways:

The following Architectural Control from Section 7 is removed entirely:

- ~~I. Garages on the front façade of a single family home that faces the street shall not exceed 40% of the total width of the house and garage together.~~

The following Architectural Controls from Section 7 shall be replaced as shown below:

- G. The front façade of any front-loaded garage shall not protrude farther than ~~one~~ 5 foot forward of (i) the front façade of the dwelling unit or (ii) the front porch of the dwelling unit, whichever is closer to the right-of-way from which the dwelling unit is addressed.
- M. Front porches shall be a minimum of ~~6~~ 5 feet deep.

The following condition is added to the buffer section:

No buffer shall be required between existing TOA park land and any land dedicated to meet the TOA Parks, Recreation and Cultural Resources Advisory Commission recommendation.

No further changes are proposed.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #21CZ16 Heelan PUD amendment as proposed.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a Public Hearing on July 12, 2021 and unanimously voted to recommend approval of the rezoning with the conditions offered by the applicant.

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 Low Density Residential and Medium Density Residential. Density within the region designated as Low Density on the 2045 Land Use Map shall not exceed 3 units per acre, with a maximum of 96 residential units in this area. The overall gross density shall not exceed 3.7 units per acre. The proposed rezoning is consistent with the 2045 Land Use Map designations.

The proposed rezoning is reasonable and in the public interest because it will provide additional flexibility in architectural design with no other changes to the approved PUD standards. The proposed changes are generally consistent with the approved residential developments to the east, south, and west. The approved PUD permits a variety of energy efficient housing types and offers an affordable housing option. It will also provide mitigation land needed to release the future Richardson Road corridor from the conservation easement. The IRT expressed appreciation for the proposed mitigation as it provides ecological value.

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

STAFF REPORT

Rezoning #21CZ16 Heelan PUD Amendment

July 27, 2021 Town Council Meeting



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.
- (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

STAFF REPORT

Rezoning #21CZ16 Heelan PUD Amendment

July 27, 2021 Town Council Meeting



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) An overall density of 7 residential units per acre or more; or (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 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.

STAFF REPORT

Rezoning #21CZ16 Heelan PUD Amendment

July 27, 2021 Town Council Meeting



- (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

The Town Council 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.

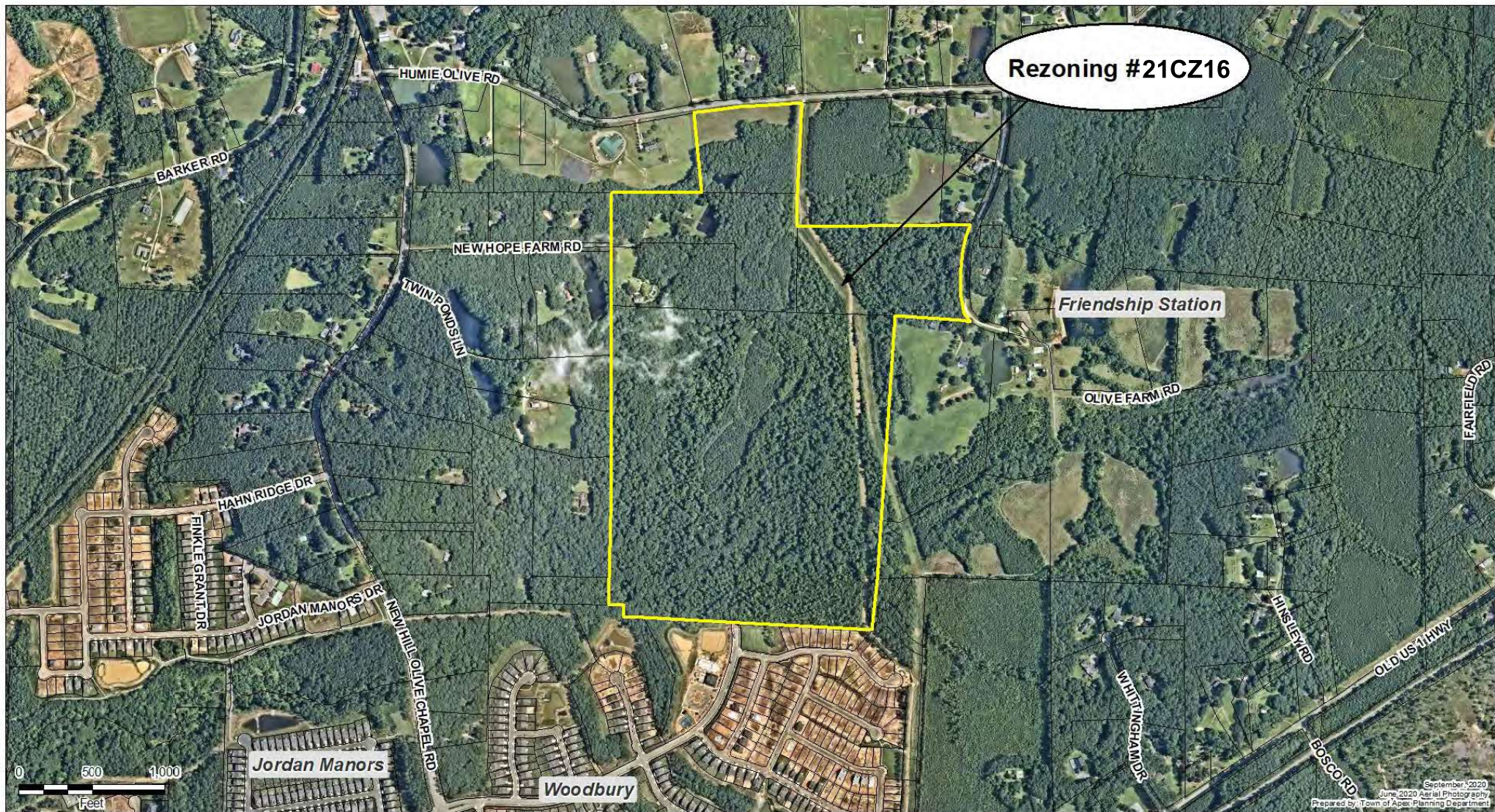
STAFF REPORT

Rezoning #21CZ16 Heelan PUD Amendment

July 27, 2021 Town Council Meeting



- 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.



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.

Submittal Date: 5/3/2021

Check # 2085

Project Name:	Heelan Property PUD
Address(es):	8824 & 8829 New Hope Farm Rd, 3108 & 3120 Olive Farm Rd & 0 Humie Olive Rd
PIN(s)	0720-09-0188, 0710-98-7950, 0720-18-1967, 0720-07-5965, 0720-09-2779

Acreage: 142.42

Current Zoning: PUD-CZ Proposed Zoning: PUD-CZ

Current 2045 LUM Designation: Low Density Residential & Medium Density Residential

Requested 2045 LUM Designation: Low Density Residential & Medium Density Residential

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: _____

Name:	Jason Barron - Attorney for M/I Homes of Raleigh				
Address:	421 Fayetteville Street, Suite 530				
City:	Raleigh	State:	NC	Zip:	27601
Phone:	919-590-0371	E-mail:	jbarron@morningstarlawgroup.com		

Name: See attached

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-mail: _____

Name:	M/I Homes of Raleigh		
Address:	1511 Sunday Drive, Suite 100		
City:	Raleigh	State:	NC
		Zip:	27607
Phone:	919-590-0371	E-mail:	jbarron@morningstarlawgroup.com

Other contacts: _____



Nil Ghosh | Associate
421 Fayetteville St | Ste 530
Raleigh, NC 27601
919-590-0362
nghosh@morningstarlawgroup.com
www.morningstarlawgroup.com

June 21, 2021

Shelly Mayo
Planner II
Town of Apex

RE: Heelan PUD Amendment

Dear Shelly Mayo:

This letter is to inform you of the intent of the proposed PUD Amendment for the above-captioned project. The intent of this PUD amendment is to amend Rezoning Case #19CZ21 Heelan PUD in the following ways:

The following Architectural Control from Section 7 is removed entirely.

~~I. — Garages on the front façade of a single family home that faces the street shall not exceed 40% of the total width of the house and garage together.~~

The following Architectural Controls from Section 7 shall be changed as shown below:

19CZ21:

G. *The front façade of any front-loaded garage shall not protrude farther than ~~one foot~~ 5 feet forward of (i) the front façade of the dwelling unit or (ii) the front porch of the dwelling unit, whichever is closer to the right-of-way from which the dwelling unit is addressed.*

M. *Front porches shall be a minimum of 6 5 feet deep.*

The following condition is added to the buffer section:

No buffer shall be required between existing TOA park land and any land dedicated to meet the TOA Parks, Recreation and Cultural Resources Advisory Commission recommendation.

No further changes are proposed. This encompasses the entire scope of the proposed amendment.

Respectfully,

Nil Ghosh | Associate
Morningstar Law Group

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 21CZ16

Submittal Date: 5/3/21

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.	See attached	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

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

Date: 5/3/21

By: [Signature]

Durham
COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Terri Lee Tolley, a Notary Public for the above State and County, on this the 3rd day of May, 2021.

SEAL



[Signature]
Notary Public
Terri Lee Tolley
Print Name

My Commission Expires: 8/25/2023

Owner	PIN
PULTE HOME COMPANY, LLC	0710-86-7029
	0710-95-2812
	0710-96-3227
	0710-96-8293
	0720-06-1165
	0720-06-4433
	0720-06-5216
	0720-06-5422
	0720-06-5484
	0720-06-6200
	0720-06-6237
	0720-06-6453
	0720-06-7274
	0720-06-7403
	0720-06-7462
	0720-06-8233
	0720-06-8293
	0720-06-8412
	0720-06-8462
	0720-06-9186
	0720-06-9251
	0720-06-9412
	0720-06-9492
	0720-16-0393
	0720-16-1239
	0720-16-1265
	0720-16-2200
	0720-16-2381
	0720-16-2704
	0720-16-3682
ADAMS-KNOUFF, CAREY	0710-87-9844
	0710-88-9126
ALBRECHT, DONNA J TRUSTEE DONNA J ALBRECHT RVCBLE LVNG TRUST	0710-88-9798
APEX TOWN OF	0720-19-0665
	0720-19-6276
	0720-19-7417
CAROL B HEELAN IRREVOCABLE TRUST	0720-18-1967
	0720-07-5965
CICIN, JERIF CICIN, LISA	0720-09-2779
DRP NC 1 LLC	0710-86-5906
	0710-97-0228
FRIENDSHIP STATION HOLDINGS LLC	0720-27-3337
GENTILE, CHRISTOPHER D	0721-00-9530
GOODMAN, WILLIAM DAVID JR GOODMAN, JILL M	0710-99-0226
HOFFMAN, JOSEPH E JR HOFFMAN, SHIRLEY J	0710-88-4797

JUDD, MILDRED B JUDD, LINDA FAYE	0721-00-5342
KASTELBERG, HENRY STEVEN	0710-98-7950 0710-99-0078
KELLY, ROBERT L KELLY, MILDRED D	0720-29-4621
KOVACS, KAREN ANN WALKER, JENNIFER ANN	0720-16-0123
LE, KATRINA NGUYEN	0720-06-2274
M/I HOMES OF RALEIGH LLC	0720-38-0958
MCKEITHAN, KAREN D ST CLAIR, LANCE	0710-88-7654
NYGARD, RUSSELL NYGARD, RENEE	0710-96-4235
OLIVE, A C HEIRS	0720-19-9119
OLIVE, JUDITH H OLIVE, ROBERT A	0720-18-5030
OLIVER, JAMES E JR OLIVER, JANICE	0721-00-0505 0721-00-3444
OLIVER, JAMES E. JR. OLIVER, JANICE	0711-90-3580
PAIRIS-GARCIA, MONIQUE GARCIA, JUAN	0710-89-6246
PATEL, RUSHI PATEL, DARSHANA	0720-06-4251
PEART, EDWARD A PEART, DEBORAH N	0710-99-0171 0720-09-0188
YUMEEWARRA FARM LLC	0710-99-3712

AGENT AUTHORIZATION FORMApplication #: 21CZ16Submittal Date: 5/3/21

KASTELBERG, HENRY STEVEN 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: 8824 NEW HOPE FARM RD (0710-98-6889)The agent for this project is: M/I Homes of Raleigh, LLC☐ I am the owner of the property and will be acting as my own agentAgent Name: Erica LeathamAddress: 1511 Sunday Drive | Ste 100 Raleigh, NC 27607

Telephone Number: _____

E-Mail Address: _____

Signature(s) of Owner(s)*

Henry Steven Kastelberg
Henry Steven Kastelberg
Type or print name

26 Sept 2019
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.

AGENT AUTHORIZATION FORMApplication #: 21CZ16Submittal Date: 5/3/21CICIN, JERIF CICIN, LISA

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

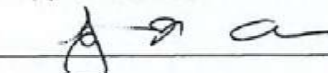
- ☒ Land Use Amendment
- ☒ Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- ☒ Site Plan
- ☒ Subdivision
- ☐ Variance
- ☐ Other: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

The property address is: 0 HUMIE OLIVE RD (0720-09-2779)The agent for this project is: M/I Homes of Raleigh, LLC☐ I am the owner of the property and will be acting as my own agentAgent Name: Erica LeathamAddress: 1511 Sunday Drive | Ste 100 Raleigh, NC 27607

Telephone Number: _____

E-Mail Address: _____


Signature(s) of Owner(s)*


Jerif Cicin

Type or print name

9/25/19

Date


Lisa Cicin

Type or print name

9/25/19

Date

Attach additional sheets if there are additional owners.

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AGENT AUTHORIZATION FORM

Application #: 21CZ16

Submittal Date: 5/3/21

CAROL B HEELAN IRREVOCABLE 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: 3108 OLIVE FARM RD (0720-18-1967) & 3120 OLIVE FARM RD (0720-07-5965)

The agent for this project is: M/I Homes of Raleigh, LLC

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

Agent Name: Erica Leatham

Address: 1511 Sunday Drive | Ste 100 Raleigh, NC 27607

Telephone Number: _____

E-Mail Address: _____

Signature(s) of Owner(s)*

George Heelan

George Heelan

Type or print name

Sept. 25, 2019

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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AGENT AUTHORIZATION FORMApplication #: 21CZ16Submittal Date: 5/3/21PEART, EDWARD A PEART, DEBORAH N

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- ☒ Subdivision
- ☐ Variance
- ☐ Other: _____

The property address is: 8829 NEW HOPE FARM RD (0720-09-3139)The agent for this project is: M/I Homes of Raleigh, LLC☐ I am the owner of the property and will be acting as my own agentAgent Name: Erica LeathamAddress: 1511 Sunday Drive | Ste 100 Raleigh, NC 27607

Telephone Number: _____

E-Mail Address: _____

Signature(s) of Owner(s)*

E. Aaron Peart

Type or print name

9-29-19

Date

Deborah N. Peart

Type or print name

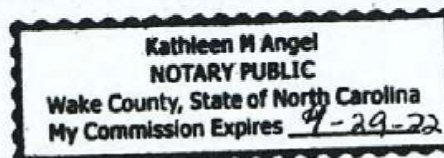
9-29-19

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.

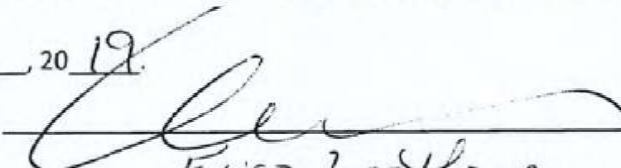


AFFIDAVIT OF OWNERSHIPApplication #: 21CZ16Submittal Date: 5/3/21

The undersigned, Erica Leatham (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 8824 & 8829 NEW HOPE FARM RD; 3108 & 3120 OLIVE FARM RD; & 0 HUMIE OLIVE 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 _____, 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 _____, 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 27th day of Sept, 2019.

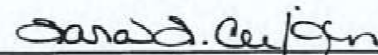
 (seal)
Erica Leatham
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

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

[NOTARY SEAL]




Notary Public Sara S. Clifton
State of North Carolina
My Commission Expires: 1-10-2020

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTIONApplication #: 21CZ16Submittal Date: 5/3/21

Insert legal description below.

Beginning at an existing iron pipe found in Olive Farm Road (SR 1178)(60' Public Right of Way), said iron pipe being South 49°37'44" West 28,658.33 feet from NCGS monument "Staley" having N.C. Grid Coordinates (NAD83/2011) of N=727,821.36, E=2,043,644.97, thence from said Beginning point, with a line in said road the following 8 calls; South 21°48'27" West 100.04 feet to a point, thence South 12°15'17" West 100.09 feet to a point, thence South 03°45'42" West 100.03 feet to a point, thence South 01°43'47" West 100.04 feet to a point, thence South 00°11'33" East 100.03 feet to a point, thence South 10°26'03" East 99.95 feet to a point, thence South 37°21'17" East 74.79 feet to an existing iron pipe, thence South 62°11'48" East 52.88 feet to a rebar set, thence leaving said line in Olive Farm Road (SR 1178) North 82°02'43" West 78.75 feet to a rebar set on the southwestern right of way of Olive Farm Road (SR 1178)(60' Public Right of Way), thence leaving said right of way North 82°02'43" West 64.50 feet to an existing iron pipe, thence North 85°44'16" West 448.90 feet to an existing iron pipe, thence South 03°55'05" West 1,407.26 feet to an existing iron pipe, thence South 03°53'40" West 401.10 feet to an existing iron pipe, thence South 06°15'03" West 347.00 feet to a rebar set, thence North 87°04'04" West 851.57 feet to an existing iron pipe, thence North 86°43'16" West 847.07 feet to a rebar set, thence North 01°00'24" East 76.02 feet to nail found at a bent iron pipe, thence North 89°12'54" West 100.50 feet to an existing iron pipe found, thence North 00°14'54" East 1,005.76 feet to an existing iron pipe, thence North 00°16'46" East 692.82 feet to an existing iron pipe, thence North 00°15'45" East 344.53 feet to an existing iron pipe, thence North 00°15'45" East 372.44 feet to a rebar set, thence North 00°22'39" East 30.01 feet to a rebar set, thence North 00°18'40" East 30.01 feet to an existing iron pipe, thence North 00°16'16" East 344.87 feet to an existing iron pipe, thence South 89°48'42" East 617.69 feet to an existing iron pipe, thence North 06°53'33" West 580.45 feet to a point in the centerline of Humie Olive Road (SR 1142)(60' Public Right of way), thence with said centerline North 81°10'21" East 136.24 feet to a point, thence North 81°24'46" East 53.40 feet to a point, thence North 83°08'38" East 60.19 feet to a point, thence North 85°15'06" East 77.57 feet to a point, thence North 85°46'28" East 104.35 feet to a point, thence North 85°53'22" East 147.45 feet to a point, thence North 86°13'49" East 26.06 feet to a point, thence North 86°13'49" East 35.00 feet to a point, thence North 86°13'49" East 115.00 feet to a point, thence leaving said centerline South 02°39'12" West 30.17 feet to a point on the southern right of way of Hume Olive Road (SR 1142)(60' Public Right of Way), thence leaving said right of way South 02°47'15" West 621.32 feet to an existing iron pipe, thence South 00°29'09" West 225.80 feet to an existing rebar, thence North 89°34'45" East 1,224.62 feet to the point and place of Beginning containing 141.732 Acres more or less.

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.

April 19, 2021

Date

Dear Neighbor:

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

SEE ATTACHED

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at www.apexnc.org.

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

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

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

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

The rezoning is sought only to remove one zoning condition which requires the width of a front-facing garage to be no more than 40% of the total width of the home, including the garage. Changing this condition will help ensure the size of homes in the community are compatible. No other changes are sought.

Estimated submittal date: May 2021

MEETING INFORMATION:

Property Owner(s) name(s): SEE ATTACHED LIST

Applicant(s): M/I Homes

Contact information (email/phone): Jason Barron - Attorney for Applicant

Meeting Address: Zoom - Register at bit.ly/mlg04292021mtg

Date of meeting**: Thursday, April 29, 2021

Time of meeting**: 5:00 PM - 7:00 PM

MEETING AGENDA TIMES:

Welcome: 5:00 PM - 5:03 | Project Presentation: 5:03 PM - 5:10 | Question & Answer: 5:10 PM - 7:00 |

**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: Heelan PUD Amendment Zoning: PUD-CZ
 Location: Between Horton Ridge Blvd and Humie Olive Road
 Property PIN(s): See Attached List Acreage/Square Feet: 142.42 acres

Property Owner: See Attached List
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Email: _____

Developer: M/I Homes of Raleigh
 Address: 1511 Sunday Drive
 City: Raleigh State: NC Zip: 27607
 Phone: _____ Fax: _____ Email: _____

Engineer: Jones & Cnossen, PE
 Address: P.O. Box 1062
 City: Apex State: NC Zip: 27502
 Phone: 919-387-1174 Fax: _____ Email: peter@jonescnossen.com

Builder (if known): Same as developer
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Mike Deaton, Stormwater & Utility Engineering Manager Stan Fortier, Senior Engineer (Sedimentation & Erosion Control)	(919) 249-3413 (919) 249-1166
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1st and 3rd Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

Construction Traffic: James Misciagno 919-372-7470

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

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

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

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

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

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

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

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

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

Dust: James Misciagno 919-372-7470

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

Trash: James Misciagno 919-372-7470

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

Temporary Sediment Basins: James Misciagno 919-372-7470

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

Stormwater Control Measures: Mike Deaton 919-249-3413

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

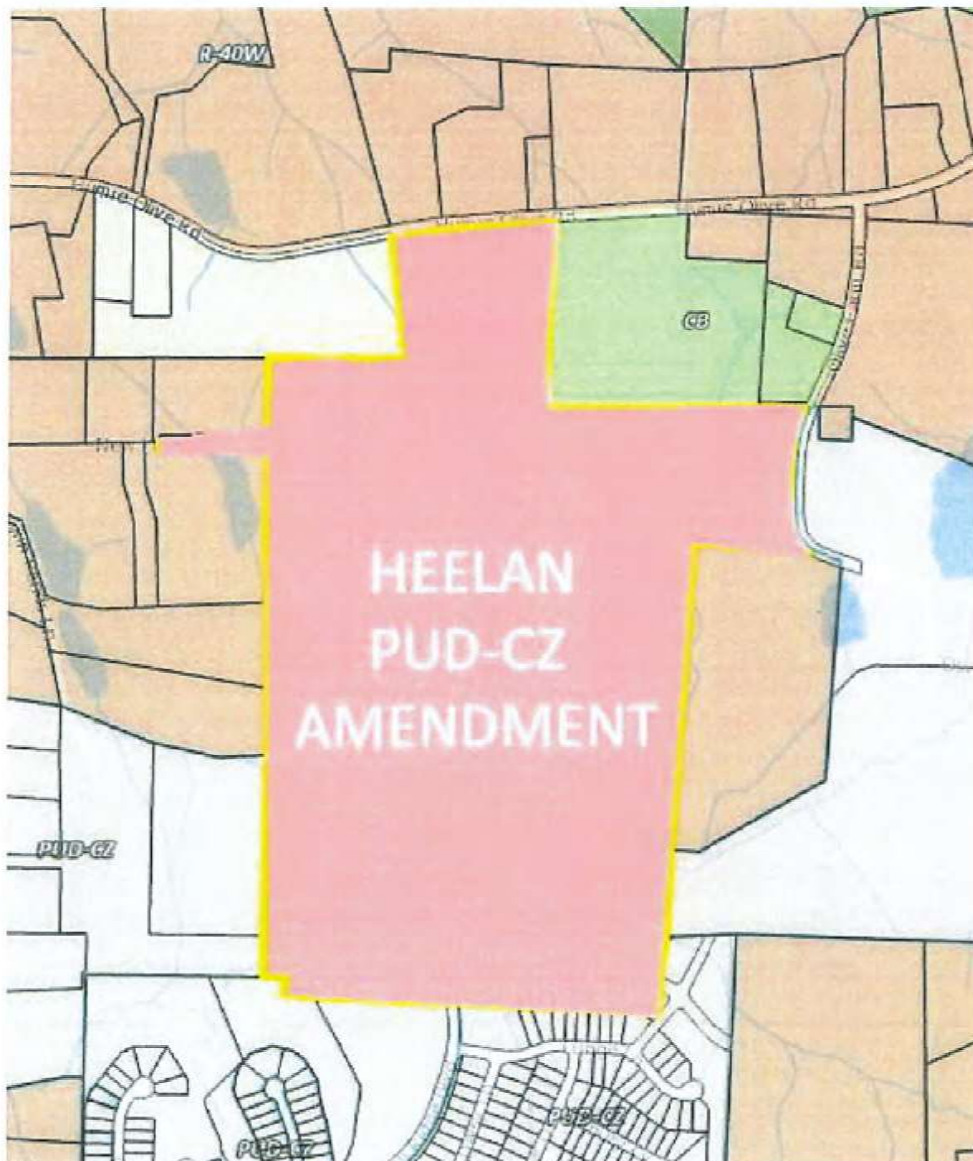
Electric Utility Installation: Rodney Smith 919-249-3342

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

Heelan PUD-CZ Amendment Owner Information

PIN	Site Address	Owner	Address
0710-98-7950	8824 NEW HOPE FARM RD	KASTELBERG, HENRY STEVEN	8824 NEW HOPE FARM RD NEW HILL NC 27562-9178
0710-99-0078	0 NEW HOPE FARM RD	KASTELBERG, HENRY STEVEN	8824 NEW HOPE FARM RD NEW HILL NC 27562-9178
0720-07-5965	3120 OLIVE FARM RD	CAROL B HEELAN IRREVOCABLE TRUST	10046 BISHOPS GATE BLVD PINEVILLE NC 28134-6568
0720-09-0188	8829 NEW HOPE FARM RD	PEART, EDWARD A PEART, DEBORAH N	8829 NEW HOPE FARM RD NEW HILL NC 27562-9179
0720-09-2779	0 HUMIE OLIVE RD	CICIN, JERIF CICIN, LISA	104 CORSICA LN CARY NC 27511-6476
0720-18-1967	3108 OLIVE FARM RD	CAROL B HEELAN IRREVOCABLE TRUST	10046 BISHOPS GATE BLVD PINEVILLE NC 28134-6568

Zoning and Vicinity Map



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: Virtual

Date of meeting: 4/29/21 Time of meeting: 5:00 PM - 7:00 PM

Property Owner(s) name(s): Henry Steven Kastelberg, Carol B Heelan Irrevocable Trust, Edward A & Deborah N Peart, & Jerif & Lisa Cicin

Applicant(s): M/I Homes

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Bob Kelly	3000 Gellbury Ridge B302			
2.	Paul Barth	2108 New Hill Drive Chapel Rd New Hill, NC 27562			
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
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): Henry Steven Kastelberg, Carol B Heelan Irrevocable Trust, Edward A & Deborah N Peart, & Jerif & Lisa Cicin

Applicant(s): M/I Homes

Contact information (email/phone): nghosh@morningstarlawgroup.com / 919-590-0362

Meeting Address: Virtual

Date of meeting: 4/29/21 Time of meeting: 5:00 PM to 7:00 PM

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

Question/Concern #1:

There were no concerns raised my attendees

Applicant's Response:

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, Nil Ghosh, do hereby declare as follows:

Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom (location/address) on April 29, 2021 (date) from 5:00 PM (start time) to 7:00 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

4/30/21

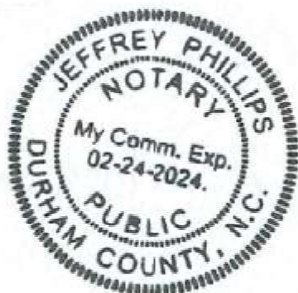
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Durham

Sworn and subscribed before me, Jeffrey Phillips, a Notary Public for the above State and County, on this the 30th day of April, 2021.

SEAL



[Signature]
Notary Public
Jeffrey Phillips
Print Name

My Commission Expires: 02-24-2024

Heelan Property PUD

PD PLAN

APEX, NORTH CAROLINA

Submitted:
May 3, 2021

PREPARED BY:



Section 1: Table of Contents – PUD Text

Section 1: Table of Contents

Section 2: Vicinity Map

Section 3: Project Data

Section 4: Purpose Statement

Section 5: Permitted Uses

Section 6: Design Controls

Section 7: Architectural Controls

Section 8: Parking and Loading

Section 9: Signage

Section 10: Natural Resource and Environmental Data

Section 11: Stormwater Management

Section 12: Parks and Recreation

Section 13: Public Facilities

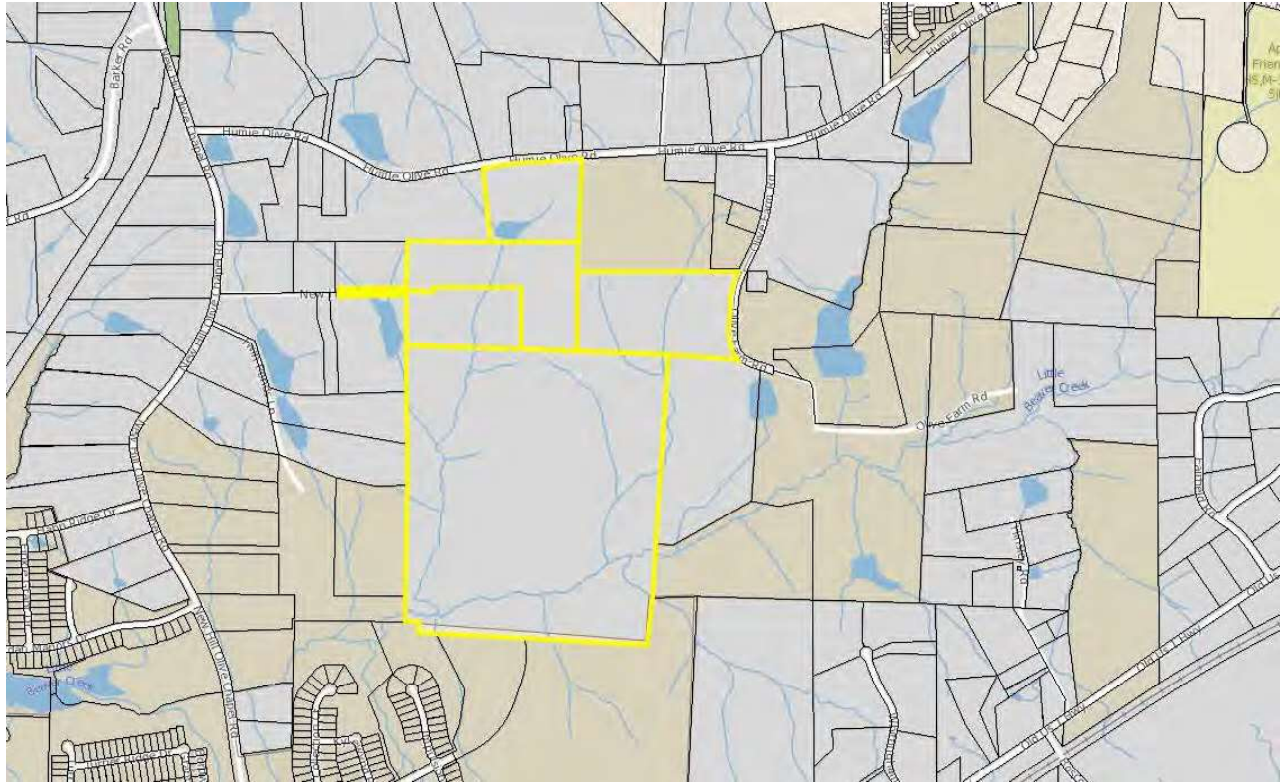
Section 14: Phasing Plan

Section 15: Consistency with 2045 Land Use Plan

Section 16: Compliance with UDO

Section 17: Compliance with Apex Bicycle Plan

Section 2: Vicinity Map



The Heelan Property PUD is in the southwest region of Apex, east of New Hill Olive Chapel Road, south of Humie Olive Road, west of Olive Farm Road, and north of Old US-1. The Friendship Station PUD is being developed just east of the property. The Woodbury Community is being developed south of the property and Jordan Manors is further west of the property.

Section 3: Project Data

A. Name of Project:

Heelan Property PUD

B. Property Owners:

Henry Steven Kastelberg
Carol B Heelan Irrevocable Trust
Lisa & Jerif Cicin
Deborah N & Edward A Peart

C. Prepared By:

Jason Barron, Partner
Morningstar Law Group
421 Fayetteville St | Ste 530
Raleigh, NC 27601

D. Current Zoning Designation:

Planned Unit Development – Conditional Zoning (PUD-CZ)

E. Proposed Zoning Designation:

Planned Unit Development – Conditional Zoning (PUD-CZ)

F. Current 2045 Land Use Map Designation:

Low Density Residential (≤ 3 units/acre)
Medium Density Residential (3-7 units/acre)

G. Proposed 2045 Land Use Map Designation:

Medium Density Residential
Low Density Residential

H. Proposed Use

Up to 520 dwelling units and associated open space, recreational amenities and infrastructure.

I. Size of Project

Wake County Tax Identification Number	Acreage
0710-98-6889	142.42 acres
0720-07-5965	
0720-09-2779	
0720-09-3139	
0720-18-1967	

Section 4: Purpose Statement

The Heelan Property PUD development will be a single-family residential community with both detached and townhomes. The maximum building height shall be forty-five feet (45') measured to the top of any pitched roof. A 20-ft Type B Buffer will be established along the majority of the project's boundary, except for a 50-foot Type B Thoroughfare Buffer along Humie Olive Road, and a 15-ft Type A Landscape Buffer along the southern boundary and portions of the east and west boundaries. Additionally, all the buildings shall be prewired for solar.

This concept is consistent with the Town's stated PUD goal to provide site specific, high quality neighborhoods that preserve natural features and exhibit compatibility with, and connectivity to, surrounding land uses. More specifically, this plan will:

- Allow uses that are compatible with Section 4.2.2, *Use Table* of the UDO
- Provide for the preservation of existing open space areas.
- Provide appropriate buffering and screening from the proposed use to the existing residential areas.
- Demonstrate dimensional standards that are consistent with the UDO, and where variations occur, said variations will be included herein and subject to Council approval.
- Provide a high-quality community that is linked by a network of connected streets and pedestrian sidewalks that promotes connectivity, walkability and healthy lifestyles.
- Exhibit character and quality that is compatible with surrounding communities, which is expected to enhance the value of surrounding land uses.
- Provide significant open space and walkable trails to promote pedestrian activity, while appropriately buffering adjacent residential areas.
- Extend Horton Ridge Boulevard from its current terminus through and to the eastern edge of the property.
- Construct and install a Town greenway addition through the property from the adjacent Olive Ridge PUD.
- In an effort to facilitate the Town's ability to extend Richardson Road in the future, dedication to the State of North Carolina of a conservation easement area of not less than 7.9 acres in order to facilitate release of other conservation easement area from the State of North Carolina.
- Provide energy efficient amenities, including prewiring of all single-family detached dwellings for solar installation, installation of electric vehicle charging stations at the amenity, and active solar installations for several single family model homes along with the primary amenity building for the property.
- In partnership with Habitat for Humanity or other non-profit affordable housing provider, provide for a minimum of fifteen (15) affordable townhome dwellings on the property.

All site-specific standards and conditions of this PUD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in the UDO Section 2.3.3, *Conditional Zoning Districts* and UDO Section 2.3.4.F.1, *Planned Unit Development (PUD-CZ)*

District. The proposed PUD will provide a development density that is consistent with principles found throughout the recently updated Advance Apex 2045.

Section 5: Permitted Uses

The development will only include residential and supporting uses. Specifically, the permitted uses include:

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

Additionally, the following conditions shall also apply:

- A. A maximum of 520 residential units shall be permitted upon the property, no more than 260 of which may be developed as townhomes.
- B. No covenant prohibiting the accessory apartment use shall encumber the property.

C. RICHARDSON ROAD CONSERVATION EASEMENT MITIGATION

- a. In concert with the Town's request to release the Richardson Road corridor from the State of North Carolina conservation easement, prior to the Town issuing the Tree Protection Fencing permit, the developer shall dedicate or cause to be dedicated to the State of North Carolina a conservation easement area over and upon approximately 7.946 acres of land as shown on the attached Exhibit A and more particularly described therein. The developer will endeavor to provide this dedication as early as commercially reasonable, but in no event later than described herein.

D. ENERGY EFFICIENCY

- a. All single-family detached dwellings constructed upon the property will be designed and constructed to include pre-configuration measures for future installation of roof-mounted solar panels.
- b. A minimum of two (2) model homes for single family detached dwellings constructed upon the property shall include installation of solar panels and power system of at least 4 KW capacity.
- c. Solar PV systems shall be installed upon the primary amenity building constructed upon the property. The size of such PV systems shall have a capacity of not less than .75 KW/1,000 HSF of building floor area.

- d. Development of the property shall include the installation of a minimum of two (2) electric vehicle charging stations within the primary amenity area as designated on the master subdivision plan.

E. AFFORDABLE HOUSING

- a. Prior to recording the plat containing the 200th lot upon the property, 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 fifteen (15) finished townhome lots within the community, with the cost of such lots being the cost that the developer pays for such lots. If the option is not exercised prior to recording of the last final plat for the development, then the developer shall cause the sum of \$300,000 to be paid to a non-profit organization participating in affordable housing. The developer will work with the Town of Apex to identify a mutually acceptable non-profit organization to receive these funds.

F. TREE CANOPY.

- a. 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 property, the developer will provide a donation of \$19,200 to a local non-profit organization with a mission towards tree preservation and replacement. In those portions of the site where trees are removed for single family or townhome lots, the developer anticipates it can offset such removal by preserving 33.7 acres of existing tree canopy in other places on the site, and replacing and replanting trees over 95.82 acres of the rest of the property. As such, this \$19,200 donation represents an assigned per-tree value in substitute canopy for the remainder of the property.

Section 6: Proposed Design Controls

A. Maximum Non-Residential Design Controls

This PUD does not provide for any non-residential land uses (see Section 5, *Permitted Uses*).

B. Residential Densities and Design Controls

Density - The overall gross density shall not exceed 3.7 units per acre. Density within the region designated as Low Density on the 2045 Land Use Map shall not exceed 3 units per acre, with a maximum of 96 residential units in this area. A density of up to 6 units per acre is allowed within areas designated as Medium Density on the 2045 Land Use Map.

Design Controls – At a minimum all residential uses shall comply with the following dimensional standards:

Maximum Density:	3.7 Units/Acre (includes RCA and rights-of-way)
Maximum Number of Units:	520
Within Low Density Residential:	96
Maximum Built-Up Area:	70%
Minimum Lot Size:	n/a
Minimum Lot Width:	
Townhome Lots:	18'
Single-Family Lots:	40'
Maximum Building Height:	45' and 3 stories

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

Minimum Setbacks	Single-Family	Townhome
Front	10'	10'
Rear	20'	20'
Side	5'	0'
Corner	5'	5'
Building to Building	NA	10'
From Buffer/RCA	10' for Buildings 5' for Parking Areas	10' for Buildings 5' for Parking Areas

C. Buffers

Perimeter Buffers

North boundary:	20-foot Type B
South boundary:	15-foot Type A
West boundary:	
Adjacent to Use Class 1:	20-foot Type B
Adjacent to Other Use Classes:	15-ft Type A
East boundary:	
Adjacent to Use Class 1:	20-foot Type B
Adjacent to Other Use Classes:	15-ft Type A

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

Thoroughfare Buffers

As depicted on the PD Plan, a 50-ft Type B Buffer shall be established along Humie Olive Road. Acreage within this buffer may be used to accommodate easements for other purposes including, but not limited to, greenways, public

utilities, sidewalk, and the like.

Section 7: Proposed Architectural Controls

The proposed development offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Changes to the exterior materials, roof, windows, doors, process, trim, etc. are allowable with administrative approval at the staff level. Further details shall be provided at the time of Site Plan submittal. The following conditions shall apply:

- A. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
- B. Residential areas will utilize brick, stone, and fiber cement plank siding.
- C. Windows that are not recessed shall be trimmed. Windows shall vary in size and/or type.
- D. At least four of the following decorative features shall be used on each building: decorative shake, board and batten siding, decorative porch rails and posts, shutters, decorative functional foundation and roof vents, recessed windows, decorative windows, decorative brick or stone, decorative gables, decorative cornices, or metal roofing.
- E. A varied color palette shall be utilized throughout the development to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
- F. Garage doors shall have windows, decorative details or carriage-style adornments on them.
- G. The front facade of any front-loaded garage shall not protrude farther than five (5) feet forward of either (i) the front facade of the dwelling unit or (ii) the front porch of the dwelling unit, whichever is closer to the right-of-way from which the dwelling unit is addressed.
- H. J-drives or courtyard driveways shall be exempt from condition G above but shall make up no more than 30% of all single-family homes. There shall be no more than two (2) residences with a J-drive constructed in a row. Any lots eligible for a J-driveway home shall be identified on the Final Plat.
- I. Eaves shall project at least 12 inches from the wall of the structure.
- J. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
- K. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- L. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - 1. Windows
 - 2. Bay window
 - 3. Recessed window
 - 4. Decorative window
 - 5. Trim around the windows
 - 6. Wrap around porch or side porch
 - 7. Two or more building materials
 - 8. Decorative brick/stone
 - 9. Decorative trim

- | | |
|-----------------------------------|-------------|
| 10. Decorative shake | 14. Column |
| 11. Decorative air vents on gable | 15. Portico |
| 12. Decorative gable | 16. Balcony |
| 13. Decorative cornice | 17. Dormer |

M. Front porches shall be a minimum of 5 feet deep.

N. Additionally, the following conditions shall apply to any Townhome building(s):

1. The roof of each unit shall be horizontally and/or vertically distinct from any adjacent unit to avoid the appearance of a single mass.

Section 8: Parking and Loading

Parking for the development shall be per Town of Apex UDO. The requirements under Section 8.3 of the Town's UDO will be met.

Section 9: Signage

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

Section 10: Natural Resource and Environmental Data

A. River Basins and Watershed Protection Overlay Districts

The project is located within the primary watershed within the Beaver Creek Basin. Portions of the subject property along the southern boundary lie within Zone AE flood hazard areas according to the FEMA Floodplain Maps #s 3720072000J and 3720071000K. Based on review of the FEMA Floodplain Map #s 3720072000J and 3720071000K the majority of the subject property is located in the Zone X (non-shaded) area that is determined to be outside the 0.2% annual chance and future conditions 1% annual chance floodplain.

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

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

The Site is located on the west of the 540 corridor and therefore is required to preserve a minimum of 25% Resource Conservation Area (RCA). Because the project is planned to be mass graded, an additional 5% RCA is required per Section 7.2.5(B) of the Town's UDO. Designated RCA areas will be consistent with the items listed in Section 8.1.2(B) of the Town's UDO. Preserved streams, wetlands, and associated riparian buffers provide the primary RCA's throughout the site. Additional RCA area provided may include stormwater management areas, perimeter buffers, and greenway trails within the walkable community.

C. Any Historic Structures Present

As confirmed by the North Carolina State Historic Preservation Office and Capital Area Preservation, Inc. there are no historic structures present within the project boundary.

Section 11: Stormwater Management

A. This PUD shall meet all stormwater management requirements for quality and quantity treatment in accordance with Sections 2.3.4.F.1.h & 6.1.7 of the UDO, such that:

- Post development peak runoff shall not exceed pre-development peak runoff conditions for the 1 year, 10 year, and 25 year 24-hour storm events.

Section 12: Parks and Recreation

The Parks, Recreation, and Cultural Resources Advisory Commission reviewed the Heelan Assemblage Planned Unit Development at the January 29, 2020 Meeting. The Advisory Commission unanimously recommended the following with the understanding that the final credits for greenway construction and acreage for dedication will be determined at the time of Master Subdivision approval:

1. The dedicated land will be contiguous and directly south of the Town of Apex property intended for the future Olive Farm Park (PIN #s 0720-19-6276; 0720-19-0665; 0720-19-7417), being a portion of Parcel ID # 0720-18-1967 in Wake County.
2. The dedicated land shall not be bisected by any road(s) providing access into the applicant's property, nor by any public or private utilities corridors.
3. In the event the applicant acquires agreed upon property located offsite, being Parcel ID #s 0720-19-7898 and 0721-10-4045, as needed to meet dedication requirements, that property may be substituted for the property identified in Section 1 above and may be dedicated in satisfaction of the requirements of the UDO and upon the confirmation of the dedication calculations identified in the UDO, at any time prior to subdivision plan approval. Subdivision plan approval shall not be granted until applicant confirms which of the above options is being offered in satisfaction of dedication requirements.

Calculations for acreage dedication normally are based upon the total number of proposed units within a development. While the Heelan PUD contemplates a total of 520 units, no more than 260 of which would be Single Family Attached, the acreage dedication must be adjusted on account of credit the developer will receive for installation of a planned greenway.

The greenway construction for the Heelan PUD is planned for an estimated 0.80 miles which should be calculated at \$1.2M per mile or **\$960,000**. If the developer were not dedicating land for open space, the Recreation fee for the Heelan PUD would be:

$(260 \text{ Single Family Attached units} \times \$2,321.54 \text{ per unit}) + (260 \text{ Single Family Detached units} \times \$3,446.98 \text{ per unit}) = \mathbf{\$1,499,815.20}$

Subtracting the greenway construction cost from the calculated Recreation fee shows a remaining value of **\$539,815.20** = \$1,499,815.20 - \$960,000.00.

Dividing this remaining value by the per unit Recreation fee determines the number of units which should serve as the basis for the required acreage dedication:

$\$539,815.20 / \$2,321.54$ per Single Family Attached unit \approx **232.5 Single Family Attached units**

Therefore, the required acreage dedication can be calculated using the Town's per unit acreage schedule:

232.5 Single Family Attached units X 0.0223 acres per unit \approx **5.2 acres**

Section 13: Public Facilities

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

- **General Roadway Infrastructure**

Developer shall provide minimum frontage widening based on $\frac{1}{2}$ of a 2-lane thoroughfare in the rural context with public right-of-way dedication based on a 110-foot right-of-way along Humie Olive Road. The road network will promote connectivity wherever possible to adjacent neighborhoods and undeveloped property. Further, cul-de-sacs will be avoided except where environmental features make through streets unfeasible. Sidewalks will be provided on both sides of streets internal to the site and along street frontage.

Please refer to the concept plan of the PUD plan for proposed access points, stub streets and planned vehicular connectivity. All access and circulation are conceptual and will be finalized at the time of Development Plan review and approval.

- **Transportation Improvements**

Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the site plan and construction plan approval process. A traffic study has been performed as part of this PUD rezoning consistent with the Town's standards for the same. Based upon the traffic study, the following traffic improvements are proposed for this development:

- Developer shall construct a westbound left turn lane on Humie Olive Road at the proposed Site Drive with minimum 75 feet of storage and appropriate deceleration length and taper.
- Developer shall restripe the existing westbound approach of Horton Ridge Boulevard at New Hill Olive Chapel Road to accommodate an exclusive right turn lane and a shared through-left lane at the intersection.

- An eastbound left turn lane shall be constructed on Humie Olive Road at Richardson Road with minimum of 200 feet of storage plus appropriate deceleration length and taper prior to the 200 platted lot.
- Developer shall construct an eastbound right turn lane on Humie Olive Road at the proposed Site Drive with minimum 75 feet of storage and appropriate deceleration length and taper.
- Consistent with the 2045 Advance Apex Thoroughfare and Collector Street Plan and State law, the Developer shall construct Horton Ridge Boulevard in accord with the Town's design standards for a Major Collector.

- **Water and Sanitary Sewer**

All lots within the project will be served by the Town of Apex for water and sanitary sewer. The utility design will be finalized at the time of Development Plan review and approval based upon available facilities adjacent to the site at that time. A conceptual utility plan is included in the PUD plan for reference. The ultimate design for the utilities must meet the current Town of Apex master water and sewer plans for approval.

- **Other Utilities**

Electricity will be provided by Apex Electric. Phone, cable and gas will be provided by the developer and shall meet the Town of Apex standards as outlined in the UDO.

Section 14: Phasing Plan

This development is expected to be phased. The number and timing of the phases will depend on market conditions and other factors. Construction is anticipated to begin in 2022. Project phasing will be planned to ensure the points of access are provided in accordance with the UDO.

Section 15: Consistency with the 2045 Land Use Map

The proposed land use is consistent with the 2045 Land Use Map.

Section 16: Compliance with the UDO

The development standards adopted for this PUD follow those set forth in the current version of the Town's Unified Development Ordinance (UDO). Any deviations from UDO requirements have been specifically defined elsewhere within this document and/or below:

Section 17: Compliance with Comprehensive Transportation Plan and Bicycle Plan

Development plans for new development made pursuant to this amendment to the Official Zoning District Map shall comply with the adopted Comprehensive Transportation Plan in effect at the time the development plan is submitted as provided for in the Unified Development Ordinance. Further, development of the Property shall be consistent with the Town's adopted Bicycle Plan. Pursuant to Bike Apex, new development on the property shall provide a 20' easement generally along Humie Olive Road within which a

10' wide asphalt meandering trail shall be installed.

Heelan PUD: Exhibit A

WETLAND MITIGATION PARCEL

Beginning at an existing Iron pipe on the eastern property line of the Heelan Property, said Iron pipe being South 46°59'52" West 30,771.52' from NCGS survey monument "STALEY" having N.C. Grid Coordinates (NAD83/2011) of N=727,821.36, E=2,043,644.97, thence from said Beginning point along said eastern property line South 06°15'03" West 29.76' to a point on the northern line of the Town of Apex 40' Public Utility Easement recorded in Deed Book 17419, Page 2651, Wake County Registry, thence leaving said eastern property line with said northern easement line North 64°16'42" West 280.47' to a point, thence South 63°35'54" West 174.31' to a point, thence leaving said easement North 18°40'10" East 251.15' to a point, thence North 53°39'09" West 53.01' to a point, thence North 19°45'46" West 43.36' to a point, thence North 03°05'56" West 187.40' to a point, thence North 08°03'50" East 210.66' to a point, thence North 36°31'13" East 24.99' to a point, thence North 65°42'05" East 77.21' to a point, thence North 43°26'33" East 86.71' to a point, thence North 38°14'05" East 92.04' to a point, thence North 57°58'37" East 87.98' to a point, thence North 74°34'56" East 93.13' to a point, thence South 60°16'07" East 28.36' to a point, thence North 67°21'25" East 49.85' to a point on the eastern property line of the Heelan Property, thence along said eastern property line South 03°55'05" West 585.31' to an existing Iron pipe, thence continuing with said eastern property line and crossing Little Beaver Creek South 03°53'40" West 401.10' to the point and place of Beginning containing 7.946 Acres more or less.

LEGEND

(IPF)—IRON PIPE FOUND
 (RBS)—REBAR SET
 (NPF)—NO POINT FOUND
 (CLD)—CENTERLINE CREEK
 (PP)—POWER POLE
 (OHPL)—OVERHEAD POWER LINE
 (SPP)—STEEL POWER POLE
 (POB)—POINT OF BEGINNING
 (X)—CALCULATED POINT
 (—E—)—ELECTRIC EASEMENT
 (—SS—)—PIPELINE EASEMENT
 (—F—)—100 YR. FLOOD ZONE
 XXX—ADDRESS
 STATE OF N.C. CONSERVATION
 EASEMENT FOR STREAM RESTORATION

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 06°15'03" W	29.76'
L2	N 64°16'42" W	280.47'
L3	S 63°35'54" W	174.31'
L4	N 18°40'10" E	251.15'
L5	N 53°39'09" W	53.01'
L6	N 19°45'46" W	43.36'
L7	N 03°05'56" W	187.40'
L8	N 08°03'50" E	210.66'
L9	N 36°31'13" E	24.99'
L10	N 65°42'05" E	77.21'
L11	N 43°26'33" E	86.71'
L12	N 38°14'05" E	92.04'
L13	N 57°58'37" E	87.98'
L14	N 74°34'58" E	93.13'
L15	S 60°16'07" E	28.36'
L16	N 67°21'25" E	49.85'
L17	S 03°55'05" W	585.31'
L18	S 03°53'40" W	401.10'

NOTES:

1. A PORTION OF THE PROPERTY IS IN THE 100 YR. FLOOD AND FLOODWAY, ZONE AE, BY FEMA FIRM MAP NO. 3720071000K PANEL 0710, EFFECTIVE DATE 2/2/2007 AND FIRM MAP NO. 3720072000J PANEL 0720, EFFECTIVE DATE 5/2/2006. 100 YR. FLOOD AND FLOODWAY LINES TAKEN FROM NCFLOODMAPS.COM ON 8/2/19.
2. PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
3. THE PURPOSE OF THIS EXHIBIT IS TO SHOW THE PROPOSED MITIGATION AREA.

- ☒ D. THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;

Stuart E. Plante III
 PROFESSIONAL LAND SURVEYOR

2/24/2020
 DATE

NORTH CAROLINA
 WAKE COUNTY

I, STUART E. PLANTE III CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DESCRIPTION RECORDED IN REFERENCES AS SHOWN, THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN REFERENCES AS SHOWN; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1: 28,682 ±; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 26th DAY OF FEBRUARY, 2020 A.D.,

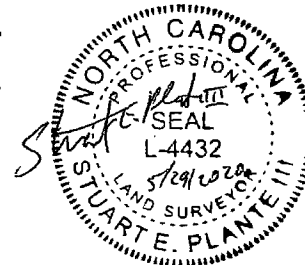
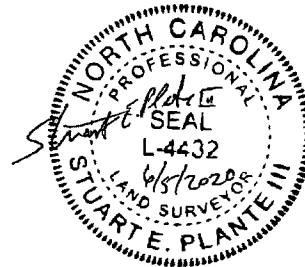
Stuart E. Plante III
 LICENSE NO. L-4432

PROFESSIONAL LAND SURVEYOR

THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

REVISION: 5/29/2020 REVISED MITIGATION AREA
 REVISION: 6/5/2020 REVISED MITIGATION AREA

FILE: WETLAND SWAP3

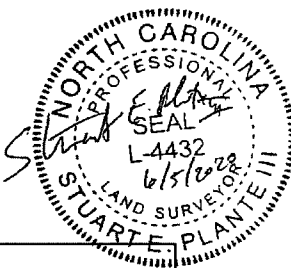
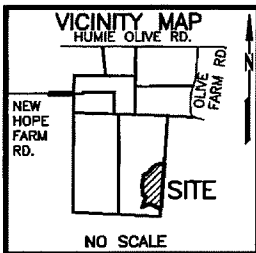


MITIGATION AREA EXHIBIT
 BUCKHORN TOWNSHIP
 WAKE COUNTY, N.C.

ROBINSON & PLANTE PC
 LAND SURVEYING
 C-2687
 970 TRINITY ROAD
 RALEIGH, N.C. 27607
 PHONE (919) 859-6030
 FAX (919) 859-6032

DATE: 2-25-2020

SHEET 1 OF 2



SEE SHEET 1 FOR NOTES,
LINE AND CURVE TABLES, LEGEND AND CERTIFICATES.

ROBERT A. OLIVE
JUDITH H. OLIVE
D.B. 11988, PG. 1891
D.B. 2668, PG. 263
B.M. 2006, PG. 523
B.M. 1978, PG. 623
PIN 0720.01-18-5030

PROPERTY LINE PER
D.B. 11988, PG. 1891
B.M. 2006, PG. 523
FOUND W/ EXISTING
CORNER MONUMENTATION

N.C. GRID NORTH NAD83 (2001)
BY GPS(VRS)
N.C. CORS BASE STATION NETWORK
DATED 7/17/19
0.999892 COMBINED GRID FACTOR

GEORGE HEELAN, AS TRUSTEE
OF THE CAROL B. HEELAN
IRREVOCABLE TRUST
DATED DECEMBER 17, 2012
PART OF D.B. 15075, PG. 1886
PART OF D.B. 3128, PG. 392
B.M. 1924, PG. 34
PIN 0720.01-07-5965
3120 OLIVE FARM ROAD

PROPOSED
MITIGATION
AREA
7.946 ACRES
346,116 S.F.

DEP DANGER TREE
RIGHTS AREA EASEMENT
D.B. 11327, PG. 1543

TOWN OF CARY
40' UTILITY AND
PIPELINE EASEMENT
D.B. 15369, PG. 236
D.B. 14529, PG. 2136

70' DEP EASEMENT
D.B. 9828, PG. 1752

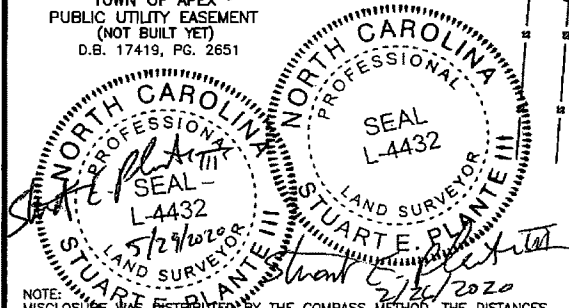
TOWN OF APEX
135' ELECTRIC EASEMENT
D.B. 15876, PG. 1217

STATE OF N.C.
CONSERVATION EASEMENT
FOR STREAM RESTORATION
D.B. 9332, PG. 2870
B.M. 2007, PG. 650
PIN 0720.01-17-7185

3-BOYS CAPITAL, LLC
MUSIC ROW INVESTMENTS, LLC
OLD NORTH STATE CAPITAL, LLC
10711 CLASSIC ROAD, LLC
D.B. 17080, PG. 941
TRACT A
B.M. 2007, PG. 650
PIN 0720.01-17-7185

NCGS "STALEY"
NAD 83 (2011)
N.C. GRID COORDS.
N=2043644.97
E=2043644.97

TOWN OF APEX
PUBLIC UTILITY EASEMENT
(NOT BUILT YET)
D.B. 17419, PG. 2651



NOTE:
MISCLOSURE WAS DISTRIBUTED BY THE COMPASS METHOD. THE DISTANCES
ON THIS MAP ARE ADJUSTED HORIZONTAL GROUND DISTANCES UNLESS
OTHERWISE NOTED. ALL AREA CALCULATED BY COORDINATE COMPUTATION.

0 150 300 450



GRAPHIC SCALE

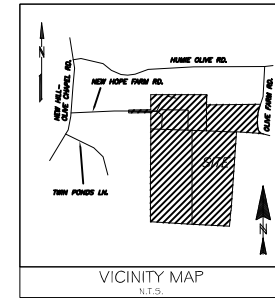
REVISION: 5/29/2020 REVISED MITIGATION AREA
REVISION: 6/5/2020 REVISED MITIGATION AREA

FILE: WETLAND SWAP3

MITIGATION AREA EXHIBIT
BUCKHORN TOWNSHIP
WAKE COUNTY, N.C.

ROBINSON & PLANTE PC
LAND SURVEYING
C-2687
970 TRINITY ROAD
RALEIGH, N.C. 27607
PHONE (919) 859-6030
FAX (919) 859-6032

DATE: 2-25-2020 SHEET 2 OF 2

[illegible]

SITE DATA	
PROJECT NAME	TERESA PROPERTY FUD
PREPARED CONTACT INFORMATION	JOHN & CROSSETT ENGINEERING, PLLC P.O. BOX 1062 APT., NORTH CAROLINA 27502 PHONE - (919) 387-1174 FAX - (919) 387-3375 CONTACT PERSON - PETER D. CROSBY
OWNER / DEVELOPER CONTACT INFORMATION	1/6 HOMES-RALEIGH 4511 SUNDAY DRIVE SUITE # 10 RALEIGH, NC 27607 PHONE - (919) 225-9980 CONTACT PERSON - ERICA LEATHAM R-4276
CURRENT ZONING	LOW 4 MEDIUM DENSITY RESIDENTIAL (LD 4 M2)
CURRENT 2045 LAND USE MAP DESIGNATION	LOW 4 MEDIUM DENSITY RESIDENTIAL (LD 4 M2)
PROPOSED ZONING DESIGNATION	FLU-C2
PROPOSED 2045 LAND USE MAP DESIGNATION	LOW 4 MEDIUM DENSITY RESIDENTIAL (LD 4 M2)
WAKE COUNTY PINS	07110-580-693 (PARTIAL), 07201-07395, 09-2779, 09-3139 (PARTIAL), 10-1967
TOTAL PROJECT AREA	116.42 ACRES
AREA IN PLUMC-OLIVE ROAD R/W DEDICATION	0.39 ACRES
AREA IN LAND DEDICATION	0.69 ACRES
NET SITE AREA	110.70 ACRES
MAXIMUM ALLOWED NUMBER OF UNITS	746 UNITS (108.57 AC. MEDIUM DENSITY AT 6 UNITS/ACRE, 31.26 AC. LOW DENSITY AT 3 UNITS/ACRE)
PROPOSED NUMBER OF UNITS	520 UNITS (3.7 UNITS/ACRE)
REQUIRED RCRA / BUFFER AREA	42.13 ACRES (30.07%)
PROPOSED RCRA / BUFFER AREA	42.45 ACRES (30.15%)
MAXIMUM BUILT-UPON AREA FOR FLU	709.08 SQ. 3 ACRES
OFF STREET PARKING	PARKING WILL COMPLY WITH TOWN OF APEX UPOD SECTION 8.3 FOR BOTH SINGLE FAMILY RESIDENTIAL LOTS & TOWNHOME LOTS
PUBLIC RECREATION REQUIREMENT	MULTI-FAMILY ATTRACTED
WATERSHED INFORMATION	PRIMARY: DEAVER CREEK BASIN
ATRIE BUFFER DEDICATION	APR 1-00-03
HISTORIC STRUCTURE	NO
THASED DEVELOPMENT	YES
FIRM FLOODPLAIN INFORMATION	MAP 457-007(2000) & 459-0007(100K) PROJECT IS WITHIN 100-YEAR FLOODPLAIN

PERMITTED USE:

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

MINIMUM BUILDING SETBACKS-TOWNHOME	
FROM BUILDING TO BUILDING	10'
FROM BUTTERFCA	10' FOR BUILDINGS, 5' FOR PARKING
FRONT	10'
REAR	20'
SIDE	5'
CORNER SIDE	5'

PD PLAN - DRAWING SHEET INDEX

1	COVER SHEET
2	PRELIMINARY LAYOUT PLAN
3	EXISTING CONDITIONS PLAN
4	PRELIMINARY UTILITY PLAN

MINIMUM BUILDING SETBACKS-SINGLE FAM.	
FROM BUTTER/CA	10' FOR BUILDINGS, 5' FOR PARKING
FRONT	10'
REAR	20'
SIDE	5'
CORNER SIDE	5'

0 75 150 300

GRAPHIC SCALE

THIS SHEET IS FOR
ILLUSTRATIVE PURPOSES ONLY

NOTES:

- BOUNDARY AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A SURVEY COMPLETED BY ROBINSON & PLANT SURVEYORS.
- THE DATE ON THE ALTA SURVEY PROVIDED BY ROBINSON & PLANT SURVEYORS IS 1/10/2019.
- TOPOGRAPHIC INFORMATION FOR THE SITE WAS TAKEN FROM NORTH CAROLINA SPATIAL DATA LIDAR.
- THE SITE HAS BEEN EVALUATED FOR THE DISTANCE OF WETLANDS AND STREAMS BY SPANGLER ENVIRONMENTAL, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREAM BUFFERS ARE SHOWN AS SURVEYED.
- 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.
- ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED.
- INSTALLATION OF SILT TRENCH SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS.
- PRIMARY ENTRANCE LOCATION MAY SHIFT TO AVOID RELOCATION OF POWER POLE. FINAL LOCATION TO BE DETERMINED AT MASTER SUBDIVISION PLAN.



PLANNING NOTES:

- STREET STUD CONNECTIONS SHOWN HEREON ARE PRELIMINARY AND MAY CHANGE AT THE TIME OF MASTER PLAN APPROVAL.
- THE RESOURCE CONSERVATION AREA (RCA) SHOWN HEREON IS PRELIMINARY AND MAY CHANGE AT THE TIME OF MASTER PLAN APPROVAL.
- THE MAINTENANCE OF PARKS, PASSAGE OPEN SPACE, COMMON AREAS, AND THE STORMWATER DEVICES SHALL BE THE RESPONSIBILITY OF THE PROPERTY ASSOCIATION.
- ALL SIGNAGE SHALL COMPLY WITH TOA UDO SECTION 6.7. SIGNS.
- THE PUD SHALL MEET TOWN OF APEX STORMWATER REQUIREMENTS OUTLINED IN TOA UDO SECTION 6.1.7 SUCH THAT POST-DEVELOPMENT RUNOFF SHALL NOT EXCEED THE PRE-DEVELOPMENT RUNOFF FOR THE 1-YEAR AND 10-YEAR 24 HOUR STORM EVENTS.
- ALL SINGLE-FAMILY HOMES ON THE PROPERTY SHALL PROVIDE SOLAR CONDUIT FOR THE INSTALLATION OF ROOFTOP SOLAR PANELS.
- THE PUD SHALL PROVIDE TWO EV CHARGING STATIONS AT THE PLANNED AMENITY CENTER. ACTIVE SOLAR INSTALLATION FOR A MINIMUM OF TWO MODEL HOMES, AND ACTIVE SOLAR INSTALLATION FOR THE PRIMARY AMENITY BUILDING.
- THE ALIGNMENT OF HORTON RIDGE BOULEVARD IS PRELIMINARY. THE FINAL ALIGNMENT SHALL BE DETERMINED AT MASTER SUBDIVISION IN REVIEW WITH TOWN OF APEX STAFF.
- ALL ENVIRONMENTAL PERMITTING ASSOCIATED WITH THE CONSTRUCTION OF HORTON RIDGE BOULEVARD SHALL BE HANDLED BY THE TOWN OF APEX.
- THIS SHALL BE A PHASED DEVELOPMENT COMPLETED IN UP TO 5 PHASES. ALL PHASES SHALL BE SHOWN AT THE TIME OF MASTER SUBDIVISION PLAN SUBMITTAL.
- THIS DEVELOPMENT WILL BE MASS GRADED SO AN ADDITIONAL 5% RCA WILL BE REQUIRED PER UDO SECTION 7.2.5(B).
- THE 50' TYPE B THOROUGHFARE BUFFER ALONG HUMIE OLIVE ROAD SHALL INCLUDE A MEANDERING 10' ASPHALT PATH WITHIN A 20' GREENWAY EASEMENT. COORDINATION OF PATH LOCATION WITH PLANNING STAFF SHALL OCCUR AT THE MASTER SUBDIVISION PLAN PROCESS.
- THE PUD SHALL DEDICATE A CONSERVATION EASEMENT OF NOT LESS THAN 7.9 ACRES TO THE STATE OF NORTH CAROLINA IN ORDER TO FACILITATE RELEASE OF OTHER CONSERVATION EASEMENT AREA FROM THE STATE OF NORTH CAROLINA. THIS DEDICATION IS TO PROVIDE THE TOWN WITH THE ABILITY TO EXTEND RICHARDSON ROAD IN THE FUTURE.
- THE PUD SHALL PROVIDE HABITAT FOR HUMANITY OR OTHER NON-PROFIT AFFORDABLE HOUSING PROVIDER UP TO TEN (10) AFFORDABLE HOME LOTS PRIOR TO PLATING THE 200TH LOT.
- TO DEMONSTRATE THE PROJECT'S COMMITMENT TO PRESERVING AND RE-ESTABLISHING TREE CANOPY IN OUR REGION, THE DEVELOPER SERVES 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 PLAN FOR THE PROPERTY, THE DEVELOPER WILL PROVIDE A DONATION OF \$19,200 TO A LOCAL NON-PROFIT ORGANIZATION WITH A MISSION TOWARDS TREE PRESERVATION AND REPLACEMENT. IN THOSE PORTIONS OF THE SITE WHERE TREES ARE REMOVED FOR SINGLE-FAMILY OR TOWNHOME LOTS, THE DEVELOPER ANTICIPATES IT CAN OFFSET SUCH REMOVAL BY PRESERVING 33.7 ACRES OF EXISTING TREE CANOPY IN OTHER PLACES ON THE SITE, AND REPLACING AND REPLANTING TREES OVER 95.82 ACRES OF THE REST OF THE PROPERTY. AS SUCH, THIS \$19,200 DONATION REPRESENTS AN ASSIGNED PER-ACRE VALUE IN SURVEYED CANOPY FOR SUBSTANTIALLY \$19,200 PER ACRE.
- NO BUFFER SHALL BE REQUIRED BETWEEN EXISTING TOA PARK LAND AND ANY LAND DEDICATED TO MEET THE TOA PARKS, RECREATION AND CULTURAL RESOURCES ADVISORY COMMISSION RECOMMENDATION.

04/29/21

TRANSPORTATION ELEMENTS:

- AN EASTBOUND LEFT-TURN LANE SHALL BE CONSTRUCTED ON HUMIE OLIVE ROAD AT RICHARDSON ROAD WITH MINIMUM OF 200 FEET OF STORAGE PLUS APPROPRIATE DECCELERATION LENGTH AND TAPER PRIOR TO THE 200 PLATTED LOT.
- DEVELOPER SHALL RESTRIPE THE EXISTING WESTBOUND APPROACH OF HORTON RIDGE BOULEVARD AT NEW HILL OLIVE CHAPEL ROAD TO ACCOMMODATE AN EXCLUSIVE RIGHT-TURN LANE AND A SHARED THROUGH-LEFT LANE AT THE INTERSECTION.
- THE DEVELOPER SHALL CONSTRUCT HORTON RIDGE BOULEVARD TO THE TOWN OF APEX MAJOR COLLECTOR STANDARD.
- DEVELOPER SHALL CONSTRUCT A WESTBOUND LEFT-TURN LANE ON HUMIE OLIVE ROAD AT THE PROPOSED SITE DRIVE WITH MINIMUM 75 FEET OF STORAGE AND APPROPRIATE DECCELERATION LENGTH AND TAPER.
- DEVELOPER SHALL CONSTRUCT AN EASTBOUND RIGHT-TURN LANE ON HUMIE OLIVE ROAD AT THE PROPOSED SITE DRIVE WITH MINIMUM 75 FEET OF STORAGE AND APPROPRIATE DECCELERATION LENGTH AND TAPER.
- A WESTBOUND LEFT TURN LANE WITH 50 FEET OF STORAGE AND APPROPRIATE DECCELERATION LENGTH AND TAPER SHALL BE PROVIDED ON HUMIE OLIVE ROAD PRIOR TO PLATING ACCESS TO OLIVE FARM ROAD.
- DEVELOPER SHALL IMPROVE OLIVE FARM ROAD BASED ON A MINIMUM 20' BACK-TO-BACK ROADWAY SECTION ALONG THE DEVELOPMENT FRONTAGE AND AVOID DIRECT RESIDENTIAL ACCESS. WHERE DEVELOPMENT IS ON ONE SIDE OF THE ROAD AND THE OPPOSITE SIDE IS UNIMPROVED, THE OPPOSITE SIDE SHALL BE CONSTRUCTED BASED ON A MINIMUM 22' EDGE-TO-EDGE TYPICAL SECTION.
- OLIVE FARM ROAD SHALL BE PAVED BASED ON A MINIMUM 20' EDGE-TO-EDGE TYPICAL SECTION WITH MINIMUM 30' WPP DESIGN SPEED FROM THE DEVELOPMENT BOUNDARY TO HUMIE OLIVE ROAD PRIOR TO PLATING ACCESS TO OLIVE FARM ROAD.
- OLIVE FARM ROAD SHALL MEET APEX MINOR COLLECTOR STREET AND NCDOT MINIMUM REQUIREMENTS FOR SECONDARY ROAD PAVEMENT STRUCTURE FOR ALL IMPROVED SECTIONS.
- A SOUTHBOUND LEFT TURN LANE WITH 150 FEET OF FULL WIDTH STORAGE AND APPROPRIATE DECCELERATION LENGTH AND TAPER SHALL BE CONSTRUCTED ON NEW HILL OLIVE CHAPEL ROAD AT HUMIE OLIVE ROAD PRIOR TO THE 200TH PLATTED LOT.
- THE WESTBOUND LEFT TURN LANE ON HUMIE OLIVE ROAD AT NEW HILL OLIVE CHAPEL ROAD SHALL BE CONSTRUCTED TO PROVIDE 200 FEET OF FULL WIDTH STORAGE AND APPROPRIATE DECCELERATION LENGTH AND TAPER PRIOR TO THE 200TH PLATTED LOT.
- DEVELOPER SHALL MONITOR THE INTERSECTION OF RICHARDSON ROAD AT HUMIE OLIVE ROAD FOR INSTALLATION OF A TRAFFIC SIGNAL AND INSTALL WHEN WARRANTED. A WARRANT STUDY SHALL BE CONDUCTED FOLLOWING THE 200TH PLATTED LOT OR AS OTHERWISE DIRECTED BY APEX STAFF. IF A TRAFFIC SIGNAL IS NOT PERMITTED BY NC DOT PRIOR TO THE 200TH PLATTED LOT, THE DEVELOPER SHALL CONSTRUCT A SOUTHBOUND LEFT TURN LANE ON RICHARDSON ROAD AT HUMIE OLIVE ROAD WITH 150 FEET OF STORAGE AND APPROPRIATE DECCELERATION LENGTH AND TAPER. CONSTRUCTION OF THE SOUTHBOUND LEFT TURN LANE SHALL RELEASE THE DEVELOPER FROM THE REQUIREMENT TO INSTALL A TRAFFIC SIGNAL.

NEW HOPE FARM ROAD (PRIVATE STREET)

LOT 9
D.M. 1977, PG. 675

LOT 8
D.M. 1977, PG. 739

LOT 7
D.M. 1977, PG. 739

LOT 6
D.M. 1977, PG. 739

LOT 5
D.M. 1977, PG. 739

LOT 4
D.M. 1977, PG. 739

LOT 3
D.M. 1977, PG. 739

LOT 2
D.M. 1977, PG. 739

LOT 1
D.M. 1977, PG. 739

WILLIAM DAVID GOODMAN JR.
LOT 1
D.M. 1977, PG. 430

NEW HOPE FARM SUBDIVISION
LOT 2
D.M. 1977, PG. 303

PORTION OF KASTELBERG AND FEAT TRACTS THAT MAKE UP THE 50' PRIVATE UTILITY AND ACCESS EASEMENT SHALL BE DEDICATED TO THE GOODMAN & ALBERT TRACTS.

DONNA J. ALBERT
TRUSTEES OF THE DONNA J. ALBERT REDEVELOPMENT TRUST
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 3
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 1155

NEW HOPE FARM SUBDIVISION
LOT 4
D.M. 1977, PG. 343

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 5
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 6
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 7
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 8
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 9
D.M. 1977, PG. 303

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

WILLIAM DAVID GOODMAN JR.
LOT 1
D.M. 1977, PG. 430

NEW HOPE FARM SUBDIVISION
LOT 2
D.M. 1977, PG. 303

PORTION OF KASTELBERG AND FEAT TRACTS THAT MAKE UP THE 50' PRIVATE UTILITY AND ACCESS EASEMENT SHALL BE DEDICATED TO THE GOODMAN & ALBERT TRACTS.

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TRUSTEES OF THE DONNA J. ALBERT REDEVELOPMENT TRUST
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 3
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 1155

NEW HOPE FARM SUBDIVISION
LOT 4
D.M. 1977, PG. 343

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 5
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 6
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 7
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 8
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 9
D.M. 1977, PG. 303

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

WILLIAM DAVID GOODMAN JR.
LOT 1
D.M. 1977, PG. 430

NEW HOPE FARM SUBDIVISION
LOT 2
D.M. 1977, PG. 303

PORTION OF KASTELBERG AND FEAT TRACTS THAT MAKE UP THE 50' PRIVATE UTILITY AND ACCESS EASEMENT SHALL BE DEDICATED TO THE GOODMAN & ALBERT TRACTS.

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TRUSTEES OF THE DONNA J. ALBERT REDEVELOPMENT TRUST
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 3
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 1155

NEW HOPE FARM SUBDIVISION
LOT 4
D.M. 1977, PG. 343

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 5
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 6
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 7
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 8
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 9
D.M. 1977, PG. 303

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

WILLIAM DAVID GOODMAN JR.
LOT 1
D.M. 1977, PG. 430

NEW HOPE FARM SUBDIVISION
LOT 2
D.M. 1977, PG. 303

PORTION OF KASTELBERG AND FEAT TRACTS THAT MAKE UP THE 50' PRIVATE UTILITY AND ACCESS EASEMENT SHALL BE DEDICATED TO THE GOODMAN & ALBERT TRACTS.

DONNA J. ALBERT
TRUSTEES OF THE DONNA J. ALBERT REDEVELOPMENT TRUST
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 3
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 1155

NEW HOPE FARM SUBDIVISION
LOT 4
D.M. 1977, PG. 343

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 5
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 6
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 7
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 8
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 9
D.M. 1977, PG. 303

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

WILLIAM DAVID GOODMAN JR.
LOT 1
D.M. 1977, PG. 430

NEW HOPE FARM SUBDIVISION
LOT 2
D.M. 1977, PG. 303

PORTION OF KASTELBERG AND FEAT TRACTS THAT MAKE UP THE 50' PRIVATE UTILITY AND ACCESS EASEMENT SHALL BE DEDICATED TO THE GOODMAN & ALBERT TRACTS.

DONNA J. ALBERT
TRUSTEES OF THE DONNA J. ALBERT REDEVELOPMENT TRUST
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 3
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 1155

NEW HOPE FARM SUBDIVISION
LOT 4
D.M. 1977, PG. 343

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 5
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 6
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 7
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 8
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 9
D.M. 1977, PG. 303

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

WILLIAM DAVID GOODMAN JR.
LOT 1
D.M. 1977, PG. 430

NEW HOPE FARM SUBDIVISION
LOT 2
D.M. 1977, PG. 303

PORTION OF KASTELBERG AND FEAT TRACTS THAT MAKE UP THE 50' PRIVATE UTILITY AND ACCESS EASEMENT SHALL BE DEDICATED TO THE GOODMAN & ALBERT TRACTS.

DONNA J. ALBERT
TRUSTEES OF THE DONNA J. ALBERT REDEVELOPMENT TRUST
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 3
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 1155

NEW HOPE FARM SUBDIVISION
LOT 4
D.M. 1977, PG. 343

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 5
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 6
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 7
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 8
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 9
D.M. 1977, PG. 303

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

JOHN K. NORMAN
D.M. 1977, PG. 373

TRACT 1 D
D.M. 1977, PG. 533

WILLIAM DAVID GOODMAN JR.
LOT 1
D.M. 1977, PG. 430

NEW HOPE FARM SUBDIVISION
LOT 2
D.M. 1977, PG. 303

PORTION OF KASTELBERG AND FEAT TRACTS THAT MAKE UP THE 50' PRIVATE UTILITY AND ACCESS EASEMENT SHALL BE DEDICATED TO THE GOODMAN & ALBERT TRACTS.

DONNA J. ALBERT
TRUSTEES OF THE DONNA J. ALBERT REDEVELOPMENT TRUST
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 3
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 1155

NEW HOPE FARM SUBDIVISION
LOT 4
D.M. 1977, PG. 343

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

NEW HOPE FARM SUBDIVISION
LOT 5
D.M. 1977, PG. 303

CHRISTOPHER KNOFF
CAREY KNOFF-KNOFF
D.M. 1977, PG. 343

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.

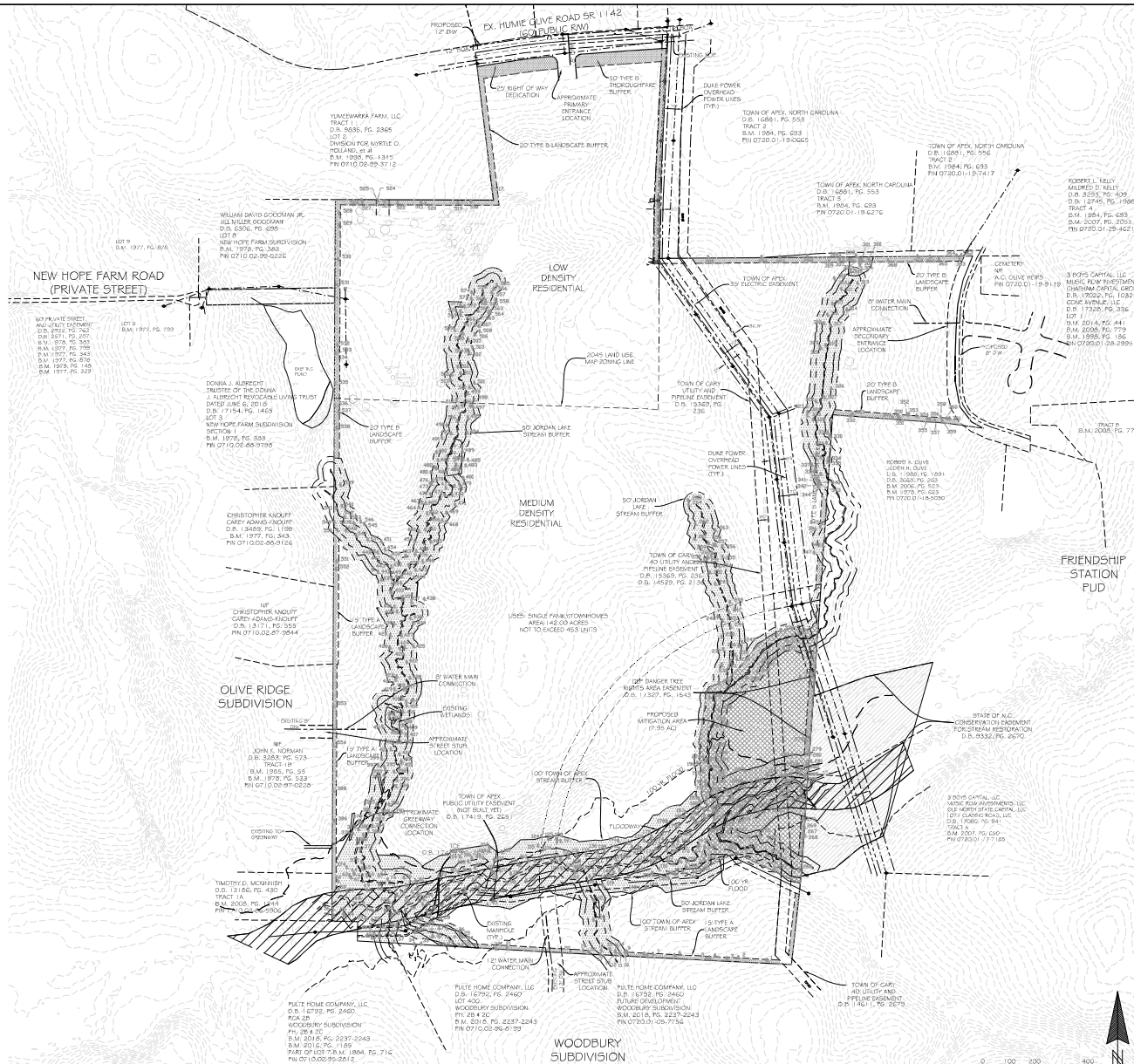


NOTES:

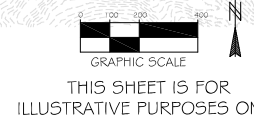
1. BOUNDARY AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A SURVEY BY ROBINSON & PLANTÉ SURVEYORS.
2. TOPOGRAPHIC INFORMATION FOR THE SITE WAS TAKEN FROM NORTH CAROLINA SPACIAL DATA LINK.
3. THE SITE HAS BEEN EVALUATED FOR THE EXISTENCE OF WETLANDS AND STREAMS BY SPANGLER ENVIRONMENTAL, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREAM BUFFERS ARE SHOWN AS SURVEYED.
4. CONSTRUCTION VEHICLE PARKING SHALL BE LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF THE HYDRANTS). SIGNS INDICATING NO CONSTRUCTION VEHICLES THIS SIDE OF STREET IN ENGLISH AND SPANISH.
5. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED.
6. INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS.
7. 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.
8. ANY REQUIRED UTILITY CONNECTIONS TO SURROUNDING PROPERTIES AND PUBLIC ROW SHALL BE ALLOWED THROUGH ALL PERIMETER BUFFERS.
9. CONTACT FOR TOWN OF APEX ELECTRIC UTILITIES IS RODNEY SMITH AT 919-249-3342.
10. THIS DEVELOPMENT SHALL USE FULL TOWN OF APEX SERVICES INCLUDING WATER, SEWER AND ELECTRICITY.
11. ALL UTILITY INFRASTRUCTURE SHALL MEET CURRENT TOWN OF APEX WATER AND SEWER MASTER PLANS.

NO BUFFER SHALL BE REQUIRED BETWEEN DISTING TOA PARK LAND AND ANY LAND DEDICATED TO MEET THE TOA PARKS, RECREATION AND CULTURAL RESOURCES ADVISORY COMMISSION RECOMMENDATION.

04/29/21



PRELIMINARY PLANS
NOT FOR CONSTRUCTION



THIS SHEET IS FOR
ILLUSTRATIVE PURPOSES ONLY

Jones & Crossen
ENGINEERING, PLLC
Civil Engineering | Construction Management | Land Planning

221 N. SALEM ST.
SUITE 200
APEX, NC 27502
Office: 919-257-1174
Registration: P-481
www.jonescrossen.com

FOR
REVIEW
ONLY

HEELAN PROPERTY PUD
PD PLANS
PRELIMINARY UTILITY PLAN

TOWN OF APEX
WAKE COUNTY, NORTH CAROLINA

DATE	1"=200'	PDC
DATE	OCTOBER 1, 2019	
1/10/21	1st TRC REVIEW	
10/25/19	2nd TRC REVIEW	
2/10/20	3rd TRC REVIEW	
2/10/20	4th TRC REVIEW	
2/21/20	5th TRC REVIEW	
2/21/20	6th TRC REVIEW	
2/21/20	7th TRC REVIEW	
2/21/20	8th TRC REVIEW	
2/21/20	9th TRC REVIEW	
2/21/20	10th TRC REVIEW	
2/21/20	11th TRC REVIEW	
2/21/20	12th TRC REVIEW	
2/21/20	13th TRC REVIEW	
2/21/20	14th TRC REVIEW	
2/21/20	15th TRC REVIEW	
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2/21/20	94th TRC REVIEW	
2/21/20	95th TRC REVIEW	
2/21/20	96th TRC REVIEW	
2/21/20	97th TRC REVIEW	
2/21/20	98th TRC REVIEW	
2/21/20	99th TRC REVIEW	
2/21/20	100th TRC REVIEW	

4
1910

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ16 Heelan PUD Amendment

Planning Board Meeting Date: July 12, 2021



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:

Acreage: +/- 142.42

PIN(s): 0720090188, 0710987950, 0720181967, 0720075965, and 0720092779

Current Zoning: Planned Unit Development–Conditional Zoning (PUD-CZ #19CZ21)

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

2045 Land Use Map: Low Density Residential/Medium Density Residential

Town Limits: Inside 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: 21CZ16 Heelan PUD Amendment

Planning Board Meeting Date: July 12, 2021



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: 21CZ16 Heelan PUD Amendment

Planning Board Meeting Date: July 12, 2021



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: 21CZ16 Heelan PUD Amendment

Planning Board Meeting Date: July 12, 2021



Planning Board Recommendation:

Motion: To approve as submitted by applicant.

Introduced by Planning Board member: Keith Braswell

Seconded by Planning Board member: Ryan Akers

- ☐ *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 submitted by applicant.

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

With 7 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 July 2021.

Attest:


Reginald Skinner, Planning Board Vice-Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2021.07.12 17:54:20
-04'00'

Dianne Khin, Director of Planning and
Community Development



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ16
Heelan PUD Amendment**

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: Jason Barron, Morningstar Law Group
Authorized Agent: Erica Leatham, M/I Homes of Raleigh, LLC
Property Addresses: 8624 & 8829 New Hope Farm Road; 3108 & 3120 Olive Farm Road; 0 Humie Olive Road
Acreage: ±141.732 acres
Property Identification Numbers (PINs): 0720090188, 0710987950, 0720181967, 0720075965, and 0720092779
2045 Land Use Map Designation: Low Density Residential and Medium Density Residential
Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ21)
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: July 12, 2021 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, Bonnie Brock (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/lmaps>. 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/32503>.

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

Published Dates: June 28 – July 12, 2021



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-5426

**NOTIFICACIÓN PÚBLICA
DE AUDIENCIAS PÚBLICAS**
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ16
Heelan PUD Amendment
(Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 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 del ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Jason Barron, Morningstar Law Group
Agente autorizado: Erica Leatham, M/I Homes of Raleigh, LLC
Dirección de las propiedades: 8824 & 8829 New Hope Farm Rd; 3108 & 3120 Olive Farm Rd; 0 Humie Olive Rd
Superficie: ±141.732 acres
Números de identificación de las propiedades: 0720090188, 0710987950, 0720181967, 0720075965, 0720092779
Designación en el Mapa de Uso Territorial para 2045: Low Density Residential and Medium Density Residential
Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ211)
Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 12 piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: Julio 12, 2021 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 secretaría de la Junta de Planificación, Bonnie Brock (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 votación de la propiedad también puede verse aquí: <https://maps.releighnc.gov/lmss>. Puede ver el Mapa de Uso Territorial para 2045 aquí: <http://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: <http://www.apexnc.org/DocumentCenter/View/26387>.

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

Fecha de publicación: 28 de junio - 12 de julio, 2021



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ16 Heelan PUD Amendment

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: Jason Barron, Morningstar Law Group

Authorized Agent: Erica Leatham, M/I Homes of Raleigh, LLC

Property Addresses: 8824 & 8829 New Hope Farm Road; 3108 & 3120 Olive Farm Road; 0 Humie Olive Road

Acreage: ±141.732 acres

Property Identification Numbers (PINs): 0720090188, 0710987950, 0720181967, 0720075965, and 0720092779

2045 Land Use Map Designation: Low Density Residential and Medium Density Residential

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ21)

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: July 12, 2021 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, Bonnie Brock (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/35603>.

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 #21CZ16 Heelan PUD Amendment (Desarrollo de Unidad Planificada)

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 del ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Jason Barron, Morningstar Law Group

Agente autorizado: Erica Leatham, M/I Homes of Raleigh, LLC

Dirección de las propiedades: 8824 & 8829 New Hope Farm Rd; 3108 & 3120 Olive Farm Rd; 0 Humie Olive Rd

Superficie: ±141.732 acres

Números de identificación de las propiedades: 0720090188, 0710987950, 0720181967, 0720075965, 0720092779

Designación en el Mapa de Uso Territorial para 2045: Low Density Residential and Medium Density Residential

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ21)

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: Julio 12, 2021 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, Bonnie Brock (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.

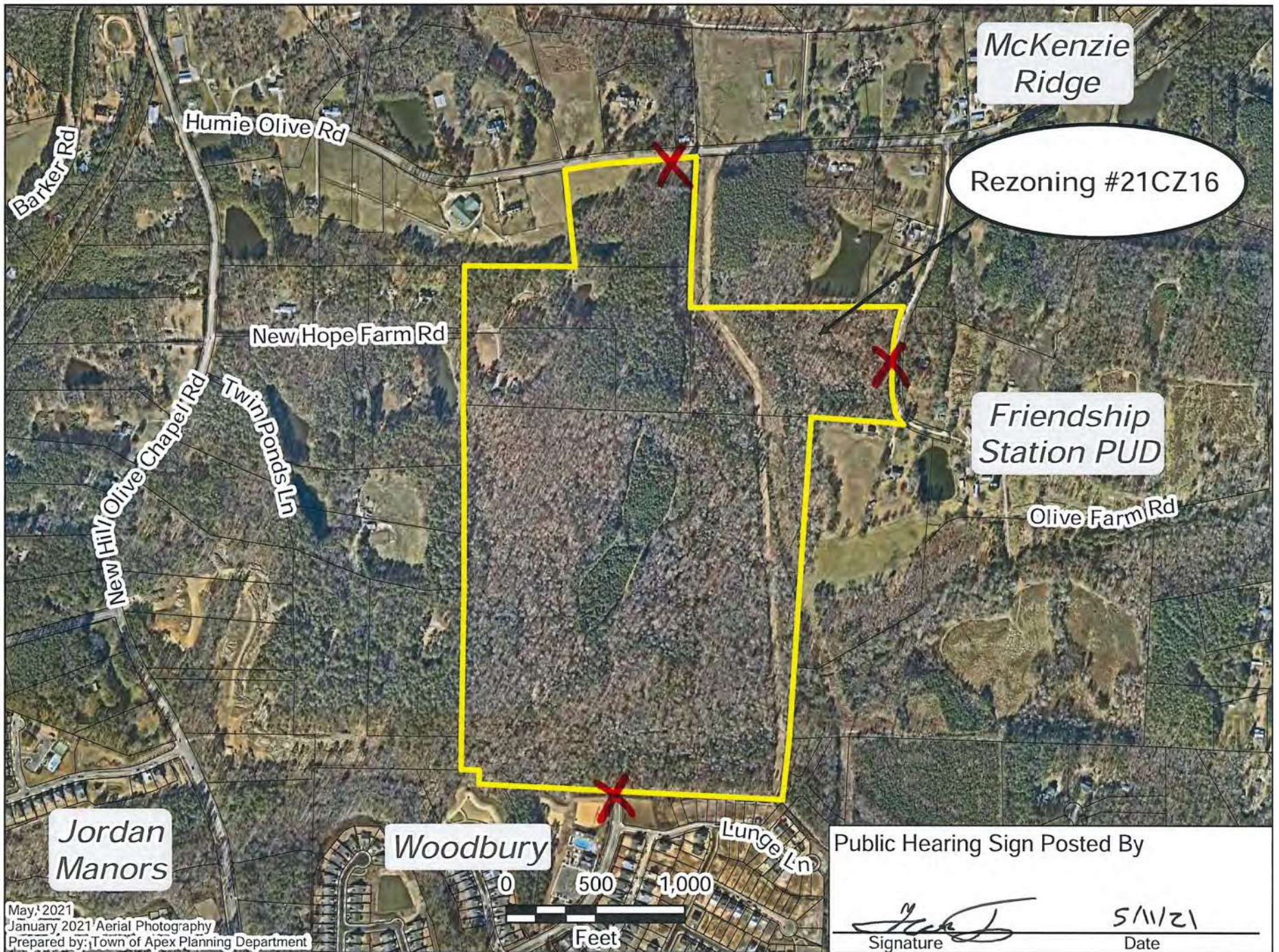
De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

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/26287>.

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





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 21CZ16
Heelan PUD

Project Location: 8824 & 8829 New Hope Farm Road; 3108 & 3120 Olive Farm Road; 0 Humie Olive Road

Applicant or Authorized Agent: Jason Barron

Firm: Morningstar Law Group

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 June 28, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

6-28-2021

Date

Laurin Staudenmaier for Dianne Khin
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me,

Paralee J. Smith

, a Notary Public for the above

State and County, this the

28 day of June, 202 1.



Paralee J. Smith
Notary Public

My Commission Expires: 9, 12, 2023

AGENDA

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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #21CZ16
Heelan PUD Amendment

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: Jason Barron, Morningstar Law Group
Authorized Agent: Erica Leatham, M/I Homes of Raleigh, LLC
Property Addresses: 8824 & 8829 New Hope Farm Road; 3108 & 3120 Olive Farm Road; 0 Humie Olive Road
Acreage: ±141.732 acres
Property Identification Numbers (PINs): 0720090188, 0710987950, 0720181967, 0720075965, and 0720092779
2045 Land Use Map Designation: Low Density Residential and Medium Density Residential
Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ21)
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: July 27, 2021 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 Deputy Town Clerk, Tessa Silver (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.caleghnr.gov/maps>. The 2045 Land Use Map may be viewed online at <https://www.apexnc.org/DocumentCenter/View/1678>. 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/1660>

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

☰ AGENDA

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TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ16

Heelan PUD

(Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 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 del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Jason Barron, Morningstar Law Group

Agente autorizado: Erica Leatham, M/I Homes of Raleigh, LLC

Dirección de las propiedades: 8824 & 8829 New Hope Farm Rd; 3108 & 3120 Olive Farm Rd; 0 Humle Olive Rd

Superficie: 1141.732 acres

Números de identificación de las propiedades: 0720090188, 0710987950, 0720181967, 0720075965, and 0720092779

Designación en el Mapa de Uso Territorial para 2045: Low Density Residential and Medium Density Residential
Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUO-CZ #19CZ21)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUO-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: 6 de octubre, 2021 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/t/townofapexgov>

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria municipal adjunta, Tessa Silver (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/378. 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/35603>

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



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ16 Heelan PUD Amendment

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: Jason Barron, Morningstar Law Group

Authorized Agent: Erica Leatham, M/I Homes of Raleigh, LLC

Property Addresses: 8824 & 8829 New Hope Farm Road; 3108 & 3120 Olive Farm Road; 0 Humie Olive Road

Acreage: ±141.732 acres

Property Identification Numbers (PINs): 0720090188, 0710987950, 0720181967, 0720075965, and 0720092779

2045 Land Use Map Designation: Low Density Residential and Medium Density Residential

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ21)

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: July 27, 2021 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 Deputy Town Clerk, Tesa Silver (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/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/35603>.

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 #21CZ16
Heelan PUD
(Desarrollo de Unidad Planificada)

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 del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Jason Barron, Morningstar Law Group

Agente autorizado: Erica Leatham, M/I Homes of Raleigh, LLC

Dirección de las propiedades: 8824 & 8829 New Hope Farm Rd; 3108 & 3120 Olive Farm Rd; 0 Humie Olive Rd

Superficie: ±141.732 acres

Números de identificación de las propiedades: 0720090188, 0710987950, 0720181967, 0720075965, and 0720092779

Designación en el Mapa de Uso Territorial para 2045: Low Density Residential and Medium Density Residential
Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ21)

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: 6 de octubre, 2021 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 secretaria municipal adjunta, Tessa Silver (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/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/35603>.

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

Town Council



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 21CZ16
Heelan PUD

Project Location: 8824 & 8829 New Hope Farm Road; 3108 & 3120 Olive Farm Road; 0 Humie Olive Road

Applicant or Authorized Agent: Jason Barron

Firm: Morningstar Law Group

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 July 2, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

7-2-2021

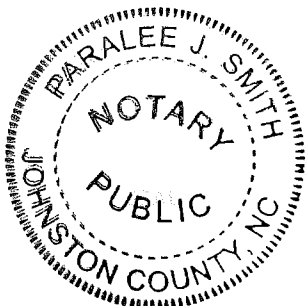
Date

Riz Zafim for Dianne Khin
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Paralee J. Smith, a Notary Public for the above

State and County, this the 2 day of July, 2021.



Paralee J. Smith

Notary Public

My Commission Expires: 9, 12, 2023