

STAFF REPORT

Rezoning #20CZ05 West Village PUD Amendment

July 21, 2020 Town Council Meeting



All property owners within three hundred (300) feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 2412 Kelly Road
Applicant/Owner: Josh Decker, McAdams Company/SM Raleigh, LLC

PROJECT DESCRIPTION:

Acreage: 35.36 ± acres
PIN: 0731331798
Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
2045 Land Use Map: Medium Density Residential and Mixed Use: High Density Residential/Office Employment/Commercial Services
Town Limits: Within Corporate limits

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Rural Residential (RR)	Single-family Residential
South:	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33)	Single-family Residential (West Village PUD)
East:	Residential Agricultural (RA); Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33)	Single-family Residential (West Village PUD)
West:	Rural Residential (RR)	Single-family Residential (Westwinds Subdivision)

EXISTING CONDITIONS:

The subject property is located west of Kelly Road, north of Old US 1, and south of Southwinds Run. The property is currently under construction for the development of West Village PUD.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on April 22, 2020. The neighborhood meeting report is attached.

WCPS COORDINATION:

This rezoning was submitted prior to the agreement with the Wake County Public School System to provide a Letter of Impact for rezonings allowing residential development.

2045 LAND USE MAP:

The 2045 Land Use Map identifies the property subject to this rezoning as Medium Density Residential and Mixed Use: High Density Residential/Office Employment/Commercial Services. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is consistent with that land use classification.

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Rezoning #20CZ05 West Village PUD Amendment

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PLANNED UNIT DEVELOPMENT:

The applicant is proposing the following changes (shown in bold) with this PUD amendment:

Change to Section 10: Natural Resource and Environmental Data, Section D. Landscaping Buffering and Screening.

Current Language:

This PUD will be subject to, and meet the requirements of Section 8.2.6 of the UDO, *Buffering* as provided for within. Please note the perimeter buffer associated with the westernmost property line has been increased above the minimum 10' required buffer in order to provide additional screening to the residential land located to the west of the project area.

Proposed Change:

This PUD will be subject to, and meet the requirements of Section 8.2.6 of the UDO, *Buffering* as provided for within. Please note the perimeter buffer associated with the westernmost property line has been increased above the minimum 10' required buffer in order to provide additional screening to the residential land located to the west of the project area. **While a majority of this westernmost buffer includes 30' of undisturbed buffer and 10' of Type A (40' total), a portion of the 40' buffer along the western side of PIN 0731331798 will be disturbed and replanted to meet Type A standards, creating a 40' Type A buffer, as shown on sheet C-2. Allowing grading in this portion of the buffer will allow for reduced retaining wall height, as requested by the neighbouring property owner.**

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:

A fee-in-lieu and Public Greenway Dedication and Construction was recommended by the Parks, Recreation and Cultural Resources Advisory Commission on December 9, 2015. The fee was calculated as \$3,206.19 per SF detached unit for a fee of \$323,825.19 and as \$2,146.92 per SF attached unit for a fee of \$626,900.64. In addition, the Commission recommended that a pedestrian connection be made to Pleasant Park to the south of the project.

APEX TRANSPORTATION PLAN/ACCESS and CIRCULATION:

The proposed PUD is consistent with the Apex Transportation Plan.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of #20CZ05 West Village PUD with the conditions as offered by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard this item at their July 13, 2020 meeting and unanimously recommended 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 proposed rezoning to amend the current PUD-CZ zoning district is reasonable in that it is consistent with the 2045 Land Use Map, which classifies the subject property as Medium Density Residential and Mixed Use: High Density Residential/Office Employment/Commercial Services.

The proposed rezoning is in the public interest because the amendment to the existing PUD condition will allow for disturbance within a buffer in order to reduce the height of a retaining wall as requested by the adjacent property owner. The buffer will be replanted to meet the UDO planting requirements. The proposed rezoning will also maintain the character and appearance of the area.

PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:

Standards

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

1) *Planned Unit Development (PUD-CZ) District*

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

a) *Development parameters*

- (i) The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table*.
- (ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.
- (iii) The dimensional standards in Sec. 5.1.3 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.
- (iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex



Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.

- (v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.
 - (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
 - (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.
- b) *Off-street parking and loading.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.
- c) *RCA.* The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 *Resource Conservation Area*, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than two percent (2%) provided that:
- (i) The PD Plan for PUD-CZ includes a non-residential component; or
 - (ii) The PD Plan for PUD-CZ has an overall density of 6 residential units per acre or more.
- d) *Landscaping.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.
- e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.



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



CONDITIONAL ZONING STANDARDS:

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

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

Village at Crocketts Ridge

Holland Rd

Rezoning #20CZ05

Southwinds Run

Camp Branch Ln

Holland Farm

540

S Salem St To Nc 540 Hwy Nb Ramp

Salem St Ramp

Nc 540 Hwy Sb To S Salem St Ramp

Nc 540 Hwy Nb To S Salem St Ramp

S Salem St

S Salem St To Nc 540 Hwy Sb Ramp

Nc 540 Hwy NB

Nc 540 Hwy SB

Kelly Rd

West Village

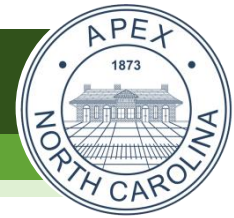
Westwinds

Termini Dr

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

0 500 1,000
Feet

PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING DISTRICT PETITION 2045 LAND USE MAP AMENDMENT PROCESS INFORMATION



PD PLAN/PUD-CZ PETITION SUBMISSION: Applications are due by 12:00 pm on the first business day of each month. See the [PUD Plan Schedule](#) on the website for more details.

PD PLAN/PUD-CZ PETITION FEES:

PUD-CZ Request: \$1,500.00 + \$10 an acre

PD Plan Amendment not requiring full TRC Review: \$500.00

2045 Land Use Map Amendment: \$700.00

PRE-APPLICATION MEETING: A pre-application meeting with members of the Technical Review Committee is required to be scheduled prior to the submittal of a PD Plan for PUD-CZ. Pre-application meetings are typically scheduled on the 1st, 2nd and 5th Thursdays of the month.

To schedule a meeting, applicants must e-mail a pdf map, drawing, model, site or sketch plan to Planner Lauren Staudenmaier (lauren.staudenmaier@apexnc.org) no

later than five (5) working days prior to the desired meeting day.

PURPOSE OF A PUD-CZ (UDO Section 3.3.3(C)): The purpose of the PUD-CZ is to permit variations in order to allow flexibility for landowners to creatively plan for a site specific, higher quality overall development of their land in a way that is not possible through the strict application of the minimum standards of this Ordinance. This is done through the application of performance standards that: integrate and mix uses where a mix of uses is proposed, possess interconnectivity, reflect the small-town character of Apex, expand opportunities for public transportation, preserve of natural features, integrate resource conservation area into plan for development, and that public facilities are available.

NEIGHBORHOOD MEETING: Neighborhood meetings are required per UDO Section 2.2.7 prior to application submission. The applicant is required to notify property owners and any neighborhood association that represents citizens within that area within 300 feet of the subject property via first class mail a minimum of 10 days in advance of the neighborhood meeting. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. The applicant shall submit the "Certified List of Property Owners" and "Neighborhood Meeting Packet" forms included in this application packet with their initial submittal. The Neighborhood Meeting Packet is located at the very end of this document.

ANNEXATION REQUIREMENTS: If a property or portion thereof subject to the PUD is outside the corporate limits and ETJ, an [annexation petition](#) is **REQUIRED** to be submitted on the same day as this application.

Electronic Submittal Requirements (submit in IDT): [Click here to access IDT Plans Website](#)

All applicants shall provide information on the proposed residential development to Wake County Public School System at the time of application via their online [Residential Development Form](#)

- | | |
|---|---|
| <ul style="list-style-type: none">• PUD-CZ Application• PD Plan Text (pdf & Word versions)• Colored Rendering of Building Elevations – 11"x17"• Transportation Impact Analysis | <ul style="list-style-type: none">• Site Plan Set• 24" x 36" size• Scale not less than: 1" = 50' horizontal, 1" = 5' vertical• Saved as pdf – no scanned plans |
|---|---|

Hard Copy Submittal Requirements: Submit to Planning Department

- | | |
|---|---|
| <ul style="list-style-type: none">• PUD-CZ Petition Application• Petition Fee• One (1) hardcopy PD Plan• Three (3) bound Site Plan Sets – 24" x 36" size• Colored Rendering of Building Elevations – 11"x17"• Legal Description (metes and bounds)• Certified List of Property Owners within 300 feet of subject property• Development Name Approval Application• Town of Apex Utilities Offer & Agreement• Agent Authorization Form• Neighborhood Meeting Packet• If applicable: Annexation Petition, map, legal description and \$200.00 fee• Two (2) bound copies of the Transportation Impact Analysis and 1 copy of the TIA & traffic analysis files | <p>on disk or FTP site at first submittal (if applicable)</p> <ul style="list-style-type: none">• One (1) set of envelopes addressed to Certified List of Property Owners within 300 feet of subject property and all the HOAs of those properties within 300' of the subject property. Planning staff may require an additional set of envelopes based on the timing of the Planning Board and Town Council meetings.• Addresses must be from a current list obtained from the Wake County GIS Map Services. A buffer report service is offered for \$1 per page. Please contact them at 919-856-6360 or http://www.wakegov.com/tax/Pages/default.aspx• Affixed with first class stamps & the following return address:
Town of Apex Planning Department
P.O. Box 250
Apex, NC 27502 |
|---|---|

PETITION PROCESS INFORMATION

NEIGHBORHOOD MEETING: Neighborhood meetings are required per UDO Section 2.2.7 prior to application submission. The applicant is required to notify property owners and any neighborhood association that represents citizens within that area within 300 feet of the subject property via first class mail a minimum of 10 days in advance of the neighborhood meeting. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. The applicant shall submit the “Certified List of Property Owners” and “Neighborhood Meeting Packet” forms included in this application packet with their initial submittal. The Neighborhood Meeting Packet is located at the very end of this document.

REVIEW FOR SUFFICIENCY: Incomplete plans will be returned to the applicant and sufficiently complete applications are forwarded to the planning staff for review.

REVIEW BY STAFF: Planning staff reviews the application to determine compliance with the Unified Development Ordinance (UDO). If the application is determined not to be compliant with the UDO, comments will be sent to the applicant. The applicant must address all staff comments before any public hearings are scheduled.

PUBLIC HEARING NOTIFICATION: Notification of the public hearing will take place by three different methods. A written notice will be sent to nearby property owners not more than 25 days nor less than 14 days prior to the public hearings, as required by the UDO. The Planning Department will prepare these written notifications for all property owners of the land subject to the application and all property owners within 300 feet of the land subject to the application. A notice will be published on the Town of Apex website (www.apexnc.org) no less than 10 days, but not more than 25 days, prior to the public hearings, and a notice will be posted at the land subject to the application at least 14 days prior to the public hearings.

1ST PUBLIC HEARING/PLANNING BOARD MEETING: The Planning Board will consider the application, relevant support materials, the Staff Report and public testimony given at the public hearing. After the public hearing the Planning Board will make a recommendation to the Town Council. The Planning Board may recommend approval, approval with conditions or disapproval. The application is then forwarded to the Town Council. The Planning Board meets at 4:30 p.m. in the Town Hall Council Chambers on the date indicated on the Rezoning Schedule.

2ND PUBLIC HEARING/TOWN COUNCIL MEETING: The Town Council will consider the application, relevant support materials, the Staff Report, the Planning Board recommendation and public testimony given at the public hearing. After the public hearing the Town Council will vote to approve, approve with conditions or disapprove the rezoning. The Town Council meets at 6:00 p.m. in the Town Council Chambers on the date indicated on the Rezoning Schedule.

PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #:	<u>20CZ05</u>	Submittal Date:	<u>5/1/2020</u>
Fee Paid	<u>\$ 500</u>	Check #	<u>Credit Card Payment</u>

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: West Village
Address(es): 2412 Kelly Road
PIN(s) 0731331798
West Village total acreage: 163.34 Acreage: 35.36 (parcel)
Current Zoning: PUD-CZ Proposed Zoning: PUD-CZ (amendment)
Current 2045 LUM Designation: Medium Density Residential and Mixed Use
Requested 2045 LUM Designation: No change
See next page for LUM amendment

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

Area classified as mixed use:	Acreage:	<u>~130</u>
Area proposed as non-residential development:	Acreage:	<u>55.99 acres</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>43.11%</u>

Applicant Information

Name: Josh Decker
Address: 2905 Meridian Parkway
City: Durham State: NC Zip: 27713
Phone: 919-361-5000 E-mail: decker@mcadamsco.com

Owner Information

Name: SM Raleigh LLC
Address: 11710 Plaza America Dr Ste 1100
City: Reston State: VA Zip: 20190
Phone: 919.977.8760 E-mail: KetchemBK@stanleymartin.com

Agent Information

Name: Josh Decker
Address: 2905 Meridian Parkway
City: Durham State: NC Zip: 27713
Phone: 919-361-5000 E-mail: decker@mcadamsco.com

Other contacts: _____

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 20CZ05 Submittal Date: 5/1/2020

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 sheet on the following page for full list of property	
2. owners.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	

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

Date: _____ By: _____

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, _____, a Notary Public for the above State and County, on this the _____ day of _____, 20____.

SEAL

Notary Public

Print Name

My Commission Expires: _____

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 20CZ05

Submittal Date: 5/1/2020

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
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I, BRIAN KETCHEM ^{FOR SM RACBIGH, LLC}, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

Date: 4/28/2020

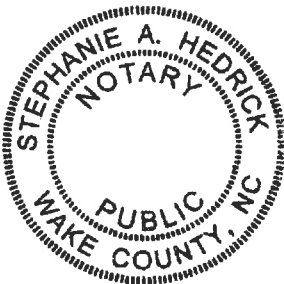
By: [Signature]

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Stephanie A. Hedrick, a Notary Public for the above State and County, on this the 28th day of April, 2020.

[Signature]
Notary Public
Stephanie A. Hedrick
Print Name

SEAL



My Commission Expires: 08/02/2020

WEST VILLAGE PUD AMENDMENT
CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Owner's Name	PIN
DONNELLY, TIMOTHY L DONNELLY, CYNTHIA O	731149410
SWAMP, STEVEN M SWAMP, CYNTHIA R	731223637
SWAMP, STEVEN M SWAMP, CYTHINA R	731224870
WOODARD, PAT D WOODARD, NANCY P	731225296
CHEELY, GEORGE RAY CHEELY, JEAN S	731232804
COOPER, DAVID L COOPER, BARBARA C	731233180
THOMPSON, MICHAEL F THOMPSON, CLAUDIA L	731233480
IANNONE, JOSEPH V JR	731244392
W TIMBERLAKE, BARBARA JO TRUSTEE TRUSTEE OF BARBARA JO W TIMBERLAKE FAMILY TRUST	731254251
SCHARDT, DANIEL SCHARDT, DENISE	731259148
SM RALEIGH, LLC	731311773
SEARS, TONY C SEARS, JUDY T	731329405
SM RALEIGH, LLC	731331798
SEARS, TONY C SEARS, JUDY T	731338590
SEARS, TONY C SEARS, JUDY T	731338863
WHITLEY MILLS LLC	731346671
COUNCIL, GLENWOOD C COUNCIL, LINDA M	731347382
FAHEY FAMILY FARM LLC	731434504
SM RALEIGH LLC	731441619

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: _____ Submittal Date: _____

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Submitted with original PUD application.

(the "Premises")

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

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

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

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

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

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

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

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

ACCEPTED:

CUSTOMER: _____

TOWN OF APEX

BY: _____

Authorized Agent

BY: _____

Authorized Agent

DATE: _____

DATE: _____

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

SM Raleigh, LLC _____ is the owner* of the property for which the attached application is being submitted:

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

The property address is: 2412 Kelly Rd Apex, NC

The agent for this project is: McAdams

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

Agent Name: Josh Decker

Address: 2905 Meridian Parkway

Telephone Number: 919-361-5000

E-Mail Address: decker@mcadamsco.com

Signature(s) of Owner(s)*

Type or print name Date

Type or print name Date

Attach additional sheets if there are additional owners.

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

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

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Agent Name: Josh Decker

Address: 2905 Meridian Parkway

Telephone Number: 919-361-5000

E-Mail Address: decker@mcadamsco.com

Signature(s) of Owner(s)*


Brian Kitchum - DIRECTOR OF LAND
(SM RALEIGH, LLC) Type or print name

4/28/2020
Date

Type or print name Date

Attach additional sheets if there are additional owners.

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

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AFFIDAVIT OF OWNERSHIP

Application #: _____

Submittal Date: _____

The undersigned, _____ (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 _____ 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 _____ day of _____, 20_____.

(seal)

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF _____

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

Notary Public
State of North Carolina
My Commission Expires: _____

[NOTARY SEAL]

AFFIDAVIT OF OWNERSHIP

Application #: _____

Submittal Date: _____

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

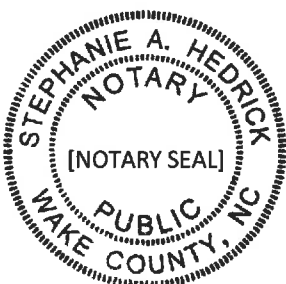
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at _____ and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
2. This Affidavit 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 28th day of April, 20____

Brian Ketchum (seal)
Brian Ketchum - SM Ketchum, LLC
 Type or print name

STATE OF NORTH CAROLINA
 COUNTY OF Wake

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



Stephanie Hedrick 4/28/2020
 Notary Public
 State of North Carolina
 My Commission Expires: 08/02/2020

Application #:

Submittal Date:

Insert legal description below.

Beginning at an existing iron pipe located on the northern right-of-way line of Old US Highway 1 and also being the southeastern property corner of lot 2 as shown in Book of Maps 2014, Page 703, Wake County Registry; thence leaving said right-of-way along and with said eastern property line North 39° 04' 21" West a distance of 271.27 feet to a newly set iron pipe; thence North 22° 19' 03" West a distance of 201.88 feet to a newly set iron pipe; thence North 82° 14' 22" East a distance of 280.68 feet to an existing iron pipe; thence South 38° 29' 14" East a distance of 84.36 feet to a newly set iron pipe; thence South 48° 51' 39" East a distance of 234.31 feet to a newly set iron pipe located on said northern right-of-way line; thence along and with said right-of-way South 48° 51' 39" East a distance of 4.98 feet to an existing iron pipe; thence South 47° 56' 55" West a distance of 40.75 feet to a point; thence South 48° 37' 10" West a distance of 50.54 feet to a point; thence South 50° 43' 16" West a distance of 84.89 feet to a point; thence South 51° 56' 36" West a distance of 53.06 feet to a point; thence South 52° 56' 35" West a distance of 52.31 feet to a point; thence South 54° 05' 42" West a distance of 56.50 feet to the point of beginning, containing 2.7832 acres more or less.

**FOR APPLICANT USE ONLY
DO NOT SUBMIT WITH APPLICATION**

Common Acronyms/Definitions			
IDT Website	Contractor's Plan Room	UDO	Town's Unified Development Ordinance
TOA	Town of Apex	NCDEQ	North Carolina Dept. of Environmental Quality
RCA	Resource Conservation Area	DDM	Design & Development Manual
Town Contact Information			
Planning Department	(919) 249-3426	Soil & Erosion Control Officer	(919) 249-1166
Parks & Recreation Department	(919) 249-7468	Electric Utilities Division	(919) 249-3342
Transportation Engineer	(919) 249-3358	Utility Engineering/Stormwater	(919) 249-3413
General Document Formatting Requirements:			
Page margins should be 1" or greater.			
Font size should neither be less than 10 nor greater than 12 for text. Larger font size for headers is acceptable			
Font type should be Calibri, Arial, Verdana, or other Sans Serif font.			
Use of bold type should be limited to headings and section titles.			
Use of italics and underlining is discouraged.			

PD PLAN TEXT CHECKLIST ITEMS			
#	Requirement	Additional Information	Reference
1	Table of Contents		
2	Vicinity Map	Show location of property and adjacent streets within a maximum of a ½ mile radius.	
3	Base Items		
a	Name of project	Include phase numbers, if applicable	
b	Preparer's, Owner's and Contract Purchaser's contact information	Name, address, phone number, fax number, and e-mail address.	
c	Current zoning designation		
d	Proposed zoning designation		
e	Current 2045 Land Use Map designation		2045 LUM
f	Proposed 2045 Land Use Map designation	Application must be submitted if amendment is requested or required.	
g	Area of tract(s)	In square feet or acres	
h	Area designated as mixed use on 2045 LUM	In square feet or acres	
i	Area of mixed use property proposed as non-residential development	In square feet or acres	
j	Percent of mixed use areas proposed as non-residential development		
k	Proposed list of uses	Add statement below at the top of the list of uses:	
	The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.		
4	Purpose Statement-Planned Unit Development standards		UDO Sec. 2.3.4.F.1.iv-vi
5	Purpose Statement-Conditional Zoning standards		UDO Sec. 2.3.3.F.1-10
6	Proposed Design Controls		
a	Maximum square footage per non-residential use		
b	Maximum densities per residential use (du/acre)		
c	Lot sizes for residential use		
d	Maximum height of the building(s)	Include number of stories.	
e	Front, side and rear setbacks		

PLANNED UNIT DEVELOPMENT APPLICATION - CHECKLIST

PD PLAN TEXT CHECKLIST ITEMS			
#	Requirement	Additional Information	Reference
f	Amount and percentage of built upon area allowed		
g	Amount and percentage of built upon area		
7	Proposed Architectural Controls		
a	Proposed materials		
b	Proposed structural elements	Includes roof pitch, inclusion of porches, inclusion of crawl space, etc.	
8	Parking and loading	State that requirements of UDO Sec. 8.3 will be met or provide comprehensive parking on layout sheet.	UDO Sec. 8.3
9	Provide statement that signage will comply with UDO Section 8.7		UDO Sec. 8.7
10	Natural Resource and Environmental Data		
a	Indicate if the site is in the Primary or Secondary Watershed Protection Overlay District		
b	Indicate if the site contains a FEMA designated 100 year floodplain		
c	Gross square footage and percent of RCA required		
d	Gross square footage and percent of RCA provided		
e	Indicate if site contains a historic structure		
11	Explain how this project meets the stormwater management requirements		UDO Sec. 2.3.4.F.1.h & 6.1.7
12	Project must be reviewed by the Parks, Recreation and Cultural Resources Advisory Commission	For recommendation on land dedication and/or fee in lieu. Applicant must contact the Director of Parks, Recreation and Cultural Resources to request meeting.	
13	Explain how this project meets the Public Facilities requirements		UDO Sec. 2.3.4.F.1.f
14	Provide phasing plan		
15	Provide statement regarding how this project is consistent with the Land Use Plan's map, intent, and/or goals		
16	Provide statement regarding compliance with all other relevant portions of the UDO.	List sections of UDO the applicant is asking for deviation from.	
17	Building elevations showing all sides of the structure(s)	Indicate height and number of stories.	

GENERAL PLAN CHECKLIST ITEMS			
#	Requirement	Additional Information	Reference
1	Uploading to IDT	All files must be named in consecutive order with Sheet name and title (1. Coversheet.pdf, 2. Site Plan.pdf, 3. Erosion Control Plan.pdf).	IDT Plan Review
2	Electronic submittal through IDT	Submit PD Plan for PUD Application, set of site plans (24"x36" at a scale of not less than 1"=50' horizontal, 1"=5' vertical), and 11"x17" colored rendering of required elevations.	
3	Every checklist item must be included on the plan sets. Do not attach checklist to the plan submittal.	If an item is not applicable, place a note on the applicable plan sheet stating why the item is not applicable. Failure to do so may result in the plans being considered incomplete.	

PLANNED UNIT DEVELOPMENT APPLICATION - CHECKLIST

COVER SHEET CHECKLIST ITEMS			
#	Requirement	Additional Information	Reference
1	Vicinity Map	Show location of the property and adjacent streets within a maximum of ½ mile radius.	
2	Aerial photograph of site	Include 50' of adjoining property	
3	Project Data (tabular format)-requirements below:		See Table 1
a	Name of project	Include phase numbers	
b	Preparer's contact information	Name, address, phone number, fax number, and e-mail address.	
c	Owner's contact information	Name, address, phone number, fax number, and e-mail address.	
d	Contract purchaser's contact information	Name, address, phone number, fax number, and e-mail address.	
e	Current 2045 Land Use Map designation		2045 LUM
f	Proposed 2045 Land Use Map designation	Application must be submitted if amendment is requested or required.	
g	Area of tract(s)		
h	Area designated as mixed use on 2045 LUM	In square feet or acres	
i	Area of mixed use property proposed as non-residential development	In square feet or acres	
j	Percent of mixed use areas proposed as non-residential development		
k	Existing and proposed gross square footage of buildings		
l	Proposed gross square footage by floor area	By type of use and use classification	
m	Proposed height of the building and number of stories	Measured as the vertical distance in feet between the finished floor elevation to the highest point of the roof at the front elevation. Do not include finished grade of a basement.	UDO Sec. 5.1
n	Number of parking spaces required	Indicate whether based on number of employees or square footage of building.	UDO Sec. 8.3.2
o	Total number of parking spaces provided		UDO Sec. 5.1
p	Required front, side and rear yard setbacks		
q	Indicate if the site is in the Primary or Secondary Watershed Protection Overlay District	Watershed Protection Overlay District Map	UDO Sec. 6.1 & 8.1.2.B.2.i
r	Indicate if the site contains a historic structure	Indicate if site appears on the Wake County Inventory of Historic Structures map and/or if the property appears on the TOA National Register Historic District Map.	UDO Sec. 12.2
4	Include the recommendation from the Parks and Recreation Advisory Board.	Include the specific amount of the recommendation.	

EXISTING CONDITIONS SHEET CHECKLIST ITEMS			
#	Requirement	Additional Information	Reference
Show existing site features on the proposed site and the area within a 50' perimeter of the site.			
1	Provide LIDAR or field verified topography of the subdivision at a minimum of 2 ft contours, showing existing grades	Please fill out the GIS request form for a copy of Town of Apex LIDAR data. Wake County topo data is no longer acceptable.	
2	Location of existing vegetation 18-inch caliper and larger		
3	Location of any underground storage tanks, hazardous waste and debris, abandoned wells, septic tanks, or similar structures	Other permits from local, state, or federal authorities may be required for the demolition or removal of these items on the property.	

PLANNED UNIT DEVELOPMENT APPLICATION - CHECKLIST

EXISTING CONDITIONS SHEET CHECKLIST ITEMS			
#	Requirement	Additional Information	Reference
Show existing site features on the proposed site and the area within a 50' perimeter of the site.			
4	Identify open fields, existing vegetation, wetlands, steep slopes, creeks, ponds, dams, rock outcroppings, fencing, roads, structures, and other pertinent site features	Show outline of existing vegetation.	
5	Location of wetlands		
6	Location of the 100-year floodplain and 100-year floodway	Based on FIRM maps, the FEMA detailed study and field measurements.	

LAYOUT SHEET CHECKLIST ITEMS			
#	Requirement	Additional Information	Reference
1	Boundary of entire tract by metes and bounds		
2	Note stating "Plan sheets are intended for illustrative use only."		
3	Location and dimensions of existing driveways or curb cuts on adjoining properties	Include properties on opposite side of adjoining streets.	
4	Existing streets and right-of-ways showing existing dimensions in accordance with the TOA Transportation Plan. Connections must be made to existing stubs on adjacent property.	Indicate location and dimensions of pavement, curbs and gutters, and sidewalks. Where development abuts or includes a State maintained road, design must be submitted and reviewed concurrently with NCDOT.	Thoroughfare Plan Map TOA Details Sec. 300
5	Approximate location of access points.	May be indicated by arrows.	
6	Approximate location of RCA.	Only needed if RCA has been identified.	
7	Location and dimensions of buffers	Includes RCA and Riparian buffers	UDO Sec. 6.1.11 & 8.1.2.B.1 & 8.2.6
8	Approximate location of residential and non-residential uses.	May be done with bubbles.	
9	Check for conformity with TOA's adopted plans and policies	Thoroughfare Plan Map Land Use Plan P & R Master Plan Bike/Ped Plan Water & Wastewater Master Plan	

PHASING PLAN CHECKLIST ITEMS			
#	Requirement	Additional Information	Reference
1	Boundary of entire tract by metes and bounds		
2	Phase lines		
3	Guarantee project improvements and amenities are necessary and desirable for residents of the project, or are of benefit to the Town	If development is proposed to occur in phases, project improvements and amenities are to be constructed within the first phase of the project or as early as is technically feasible.	

UTILITY PLAN CHECKLIST ITEMS			
#	Requirement	Additional Information	Reference
1	Items on Layout sheet		
2	Indicate whether or not requesting full town services – water, sewer and electricity	If electric utilities are provided by the Town of Apex, a consultation with the Electric Utilities Division is required.	
3	Indicate whether or not site will utilize private sewage disposal (septic system)		

PLANNED UNIT DEVELOPMENT APPLICATION - CHECKLIST

UTILITY PLAN CHECKLIST ITEMS

#	Requirement	Additional Information	Reference
4	Approximate location and dimension width of easements required for utilities		
5	Location of existing trees to be saved		

PRELIMINARY STORMWATER MANAGEMENT PLAN CHECKLIST ITEMS

#	Requirement	Additional Information	Reference
1	Items on Layout sheet		
2	Demonstrate that the post-development rate of on-site stormwater discharge from the entire site will not exceed pre-development levels in accordance with UDO		UDO Sec. 6.1.7

TRANSPORTATION IMPACT ANALYSIS CHECKLIST ITEMS

Please contact the Transportation Engineer at 919-249-3358 prior to starting a TIA.

#	Requirement	Additional Information	Reference
1	Site Plan or at a minimum, a land use plan indicating conceptual access points to the external roadway system		UDO Sec. 13.19
2	Vicinity map showing the location of the property and adjacent streets within the approved study area		UDO Sec. 13.19
3	Peak-hour volumes from a recent count, no more than one year old at the time of submittal unless otherwise approved by Town staff		UDO Sec. 13.19
4	Average daily and peak hour vehicular trips generated by the proposed development		UDO Sec. 13.19
5	Trip distribution allocation on all roads and intersections within the study area approved by the Town	Please contact the transportation engineer at 919-249-3358 at least 60 days prior to starting a TIA. The transportation engineer must approve the study area.	UDO Sec. 13.19
6	Intersection geometry and traffic control devices		UDO Sec. 13.19
7	Capacity analyses for all anticipated conditions including phasing milestones unless otherwise approved by Town staff	Anticipated conditions include existing, no-build and build.	UDO Sec. 13.19
8	Documentation of data and assumptions		UDO Sec. 13.19
9	Proposed road improvements in accordance with the UDO requirements for a Traffic Impact Analysis	Upload to IDT and provide 2 hardcopies at first submittal. Anticipated review time 4 to 6 weeks.	UDO Sec. 13.19

PARKS AND RECREATION SITE DATA TABLE

Date Reviewed by PRCR Advisory Commission:

Fee-in-Lieu of Dedication:

_____ single-family detached units X \$3,345.49 per unit = \$ _____

_____ single-family attached units X \$2,240.19 per unit = \$ _____

_____ multi-family units X \$1,972.42 per unit = \$ _____

Total Fee-in-Lieu: \$ _____

Acres of Land Dedication _____

Public Greenway Trail Construction Yes No



Instruction Packet and Affidavit for Neighborhood Meetings

Town of Apex
Planning Department
PO Box 250
Apex, NC 27502

T: 919-249-3426
F: 919-249-3338

This packet consists of instructions and templates for conducting a required Neighborhood Meeting. Planning Department staff are available to advise you in the preparation of these materials. Call the Planning Department at (919) 249-3426 for more information.

WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

A neighborhood meeting is a required form of community outreach to receive initial feedback regarding certain project types prior to submittal to the Planning Department per the standards found in UDO Sec. 2.2.7. The intention of the meeting is to initiate neighbor communication and identify issues and concerns early on and provide the applicant an opportunity to address neighbor concerns about the potential impacts of the project prior to submitting an application. A neighborhood meeting is valid for six (6) months prior to the submission of an application; a delay in submission requires a new neighborhood meeting.

WHEN IS A NEIGHBORHOOD MEETING REQUIRED?

- Rezoning (including Planned Unit Developments);
- Major Site Plans;
- Residential Master Subdivision Plans (excluding exempt subdivisions); or
- Special Use Permits

INSTRUCTIONS

Prior to submitting an application for a Rezoning, Major Site Plan, residential Master Subdivision Plan (excluding exempt subdivisions), or Special Use Permit, the applicant must conduct at least one (1) Neighborhood Meeting. The applicant shall submit all forms included in this packet with the initial application submittal.

The Neighborhood Meeting must be held in accordance with the following rules:

These groups and individuals must be invited to the meeting:

- The applicant is required to notify the 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, not including the day of mailing. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the applicant and the neighbors.
- The applicant shall include with the meeting notice a vicinity map in addition to either the existing zoning map of the area or preliminary plans of the proposed development (see Handout requirements below).

The meeting must be held within specific timeframes and meet certain requirements:

- The meeting must be held for a minimum of two (2) hours, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period. The meeting cannot be held on a Town recognized holiday (which coincide with the State of North Carolina recognized holidays).
- The meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application.
- A sign-in sheet must be used in order to verify attendance. Ensure each attendee signs in. Please note if any person(s) refuses to sign in. Note if no one attended.
- Handout requirements:
 - For rezonings (excluding rezonings to PUD-CZ, TND-CZ and MEC-CZ), a vicinity map and existing zoning map of the area must be provided to help facilitate discussion.
 - For rezonings to PUD-CZ, TND-CZ and MEC-CZ; Major Site Plans; residential Master Subdivision Plans; and Special Use Permits, preliminary plans of the proposed development must be available at the meeting to help facilitate discussion. Neighbors may request emailed/mailed copies of the maps or plans from the applicant by checking the “send plans” box on the sign-in sheet; applicant shall provide reduced copies upon request.
 - Printed copies must equal the number of notices required to be sent.
 - Contact information for the applicant’s representative and Town Staff must be provided on the attached “Project Contact Information” form.
 - “Common Construction Issues & Who to Call” sheet (attached) must be included as part of the handout.
 - A copy of the handout must be included as part of the Neighborhood Meeting report.
- The agenda of the meeting shall include:
 - Explanation of all processes the meeting is being held for (rezoning, subdivision, etc.).
 - Explanation of future meetings (additional neighborhood meetings, Planning Board, Town Council, etc.).
 - Explanation of development proposal – uses and conditions for rezonings, layout for subdivision and site plans, and builder/end user if known/public knowledge.
- Questions or concerns by attendees, and responses by the applicant, if any, must be noted. Provide blank comment sheets or notecards for neighbors to submit written comments. The applicant shall also include any questions and concerns received via written correspondence (such as email) or phone call along with responses provided by the applicant.
- The applicant shall be responsible for notifying any neighbors who check the “Send Plans & Updates” box on the sign-in sheet of any additional neighborhood meetings and the actual submittal date to the Town with a link to the Town of Apex’s Interactive Development Map.

For accountability purposes, please submit the following with your application:

- A copy of the letter mailed to neighbors and neighborhood organizations (use attached invitation template);
- A list of those persons and neighborhood organizations invited to the meeting;
- A copy of the sign-in sheet (use attached sign-in sheet template);
- A summary of the meeting and a list of any changes made to the project as a result of the neighborhood comments (use attached meeting summary template);
- The affidavit, signed, dated, and notarized (use attached affidavit template); and
- One reduced copy of the maps and/or plans presented to the neighbors at the Neighborhood Meeting.

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.

NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

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

April 9, 2020

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at
 2412 Kelly Road 0731331798

Address(es)

PIN(s)

in accordance with the Town of Apex Electronic Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, you may contact the applicant before or after the meeting is held. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at www.apexnc.org. If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

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

Application Type		Approving Authority
<input checked="" type="radio"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="radio"/>	Major Site Plan	Town Council (QJPH*)
<input type="radio"/>	Special Use Permit	Town Council (QJPH*)
<input type="radio"/>	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)):

An amendment to the current West Village PUD zoning is proposed for the 40' buffer (30' which is undisturbed) on the western side of PIN 0731331798, bordering PIN 0731244392. This amendment will allow grading within the buffer in order to reduce the height of a planned retaining wall to minimize visual impacts for the neighboring property. The graded area will be replanted as a 40' Type A buffer. This revision is isolated to one area and one adjacent property owner and being completed per the adjacent property owner's request.

Estimated submittal date: May 1, 2020

MEETING INFORMATION:

Property Owner(s) name(s):	<u>Stanley Martin Homes</u>
Applicant(s):	<u>McAdams</u>
Contact information (email/phone):	<u>Josh Decker decker@mcadamsco.com 704. 219. 7175</u>
Electronic Meeting invitation/call in info:	<u>Zoom https://mcadamsco.zoom.us/j/859669340 (see instruction sheet)</u>
Date of meeting**:	<u>April 22, 2020</u>
Time of meeting**:	<u>5:30-7:30</u>

MEETING AGENDA TIMES:

Welcome: 5:30-5:40 Project Presentation: 5:40-6:00 Question & Answer: 6:00-7:30

**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: West Village Zoning: PUD-CZ
 Location: 2412 Kelly Rd, Apex, NC
 Property PIN(s): 0731331798 Acreage/Square Feet: 163.34 acres

Property Owner: SM Raleigh LLC
 Address: 2905 Meridian Parkway
 City: Durham State: NC Zip: 27713
 Phone: 919-361-5000 Email: decker@mcadamsco.com

Developer: Stanley Martin Homes
 Address: 11710 Plaza America Dr Ste 1100
 City: Reston State: VA Zip: 20190
 Phone: 919.977.8760 Fax: _____ Email: KetchemBK@stanleymartin.com

Engineer: McAdams
 Address: 2905 Meridian Parkway
 City: Durham State: NC Zip: 27713
 Phone: 919-361-5000 Fax: _____ Email: decker@mcadamsco.com

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

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

Town of Apex Department Contacts

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

April 9, 2020

RE: Virtual Neighborhood Meeting – Zoom Instructions

Dear Property Owner,

Due to the current circumstances of COVID-19, we will be hosting a virtual neighborhood meeting via Zoom. The meeting will be held on April 22, 2020 and begin at 5:30 PM Eastern Time.

- > To attend the meeting via computer, type in the following link in your internet browser:

<https://mcadamsco.zoom.us/j/859669340>

If prompted for a Meeting ID, enter this number: **859 669 340**

- > To attend the meeting via phone, you may dial in by your location:

+1 312 626 6799 US (Chicago)
+1 646 876 9923 US (New York)
+1 253 215 8782 US
+1 301 715 8592 US
+1 346 248 7799 US (Houston)
+1 408 638 0968 US (San Jose)
+1 669 900 6833 US (San Jose)
877 853 5247 US Toll-free
888 788 0099 US Toll-free

Meeting ID: **859 669 340**

Find your local number: <https://mcadamsco.zoom.us/j/859669340>

Sincerely,

MCADAMS



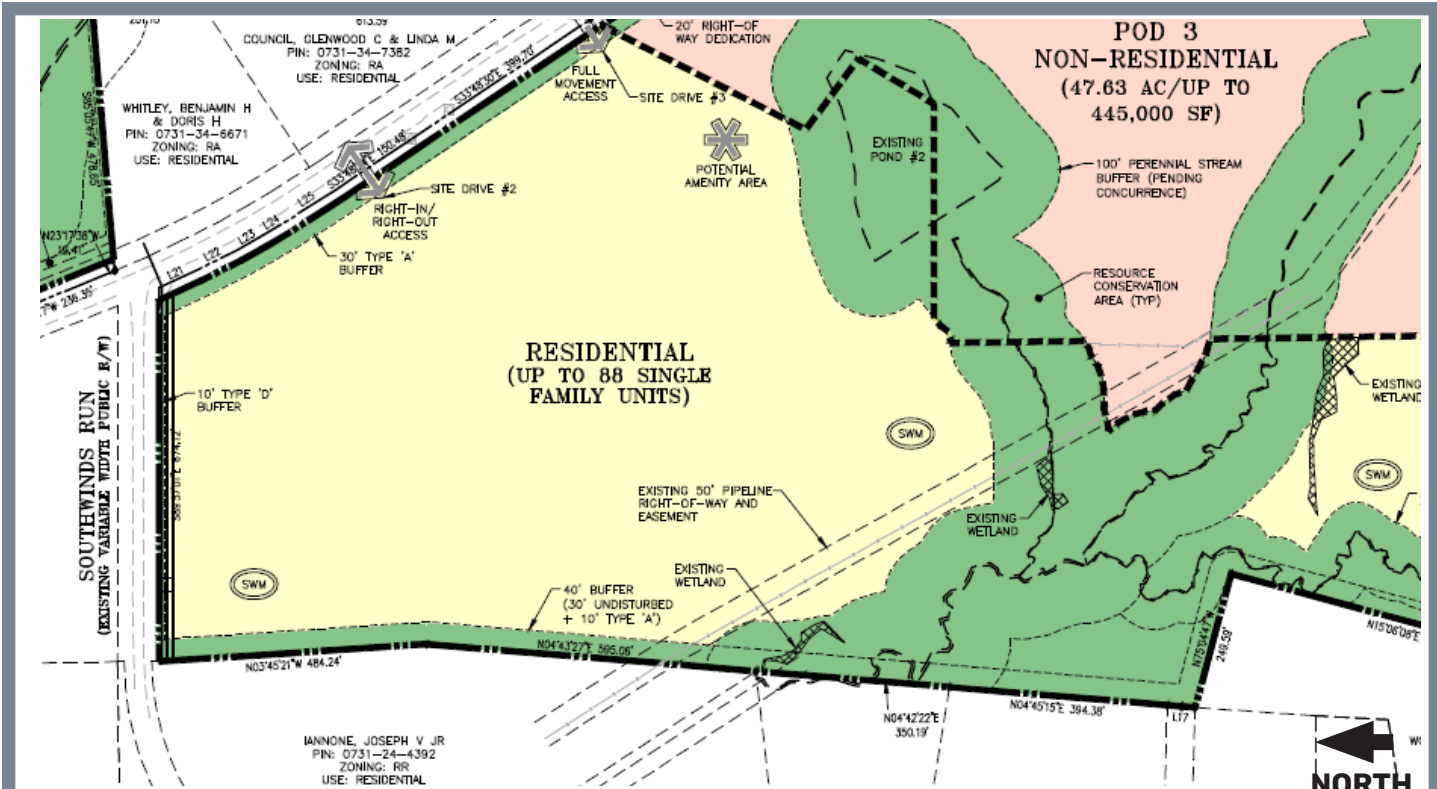
**WEST VILLAGE
AMENDMENT**

**2412 KELLY RD
APEX, NC**

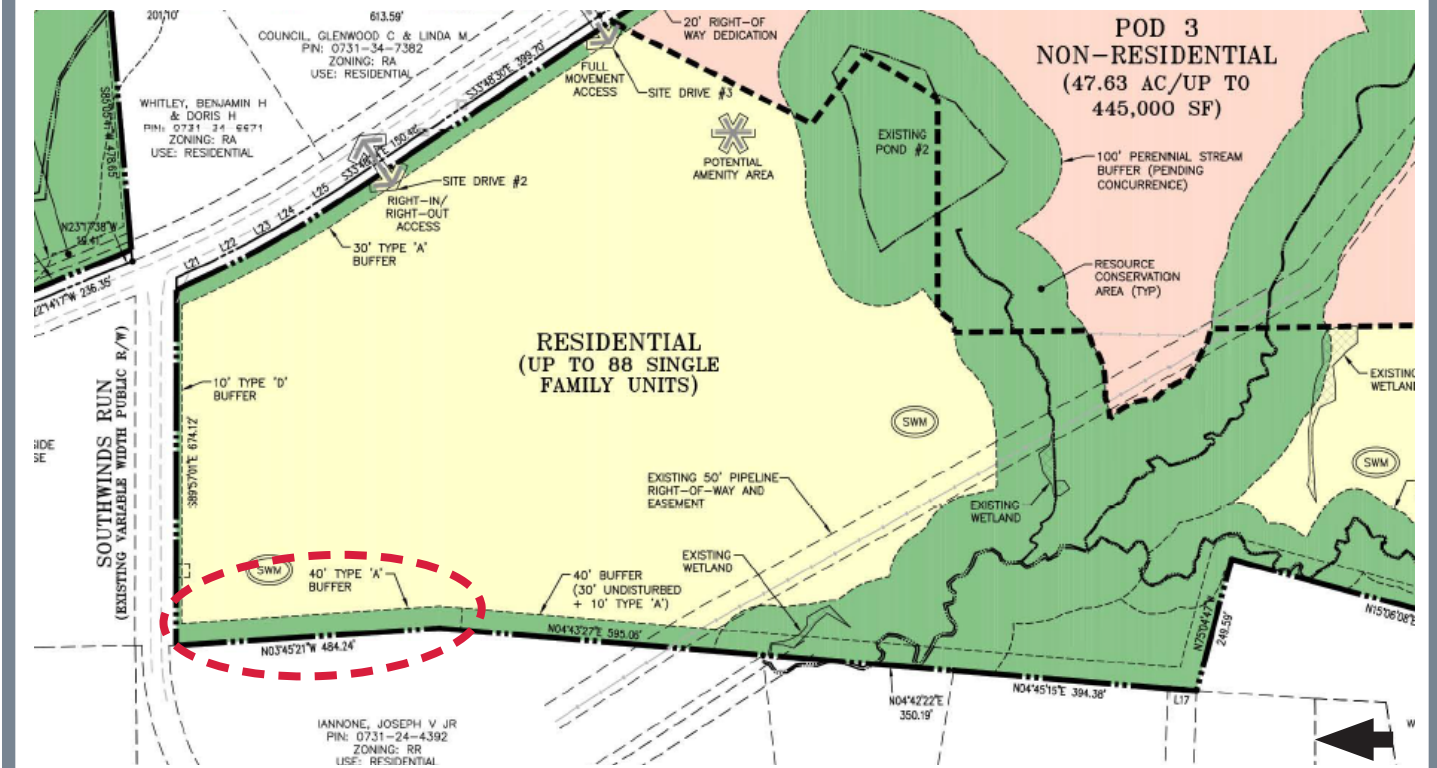
VICINITY MAP

**APRIL
2020**





CURRENT ZONING CONDITION



PROPOSED AMENDMENT

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.

ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE SHEET

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

Meeting Format: Zoom
 Date of meeting: April 22, 2020 Time of meeting: 5:30-7:30
 Property Owner(s) name(s): SM Raleigh LLC
 Applicant(s): McAdams

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Barbara Hinkle				
2.	Wayne Weaver				
3.	Steve and Cindy Swamp	2701 Southwinds Run			
4.	Pat and Nancy Woodward	2721 Southwinds Run			
5.	Jean Cheely	2601 Southwinds Run			
6.	Doug Whitley	2128 Castle Pines Dr			
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): SM Raleigh LLC

Applicant(s): McAdams

Contact information (email/phone): Josh Decker | decker@mcadamsco.com | 919-361-5000

Meeting Format: Zoom

Date of meeting: April 22, 2020 Time of meeting: 5:30-7:30

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

Question/Concern #1:

Was there a retaining wall on the originally approved plan?

Applicant's Response:

Yes, there was a retaining wall on the original plan.

Question/Concern #2:

Can we improve the Type D buffer on Kelly Rd?

Applicant's Response:

This buffer is designed as street trees and will remain as is on the approved plan.

Question/Concern #3:

What is the price range on the homes for this development?

Applicant's Response:

We are unsure with the current market, but they will most likely be around the 400k range.

Question/Concern #4:

Can you make the Kelly Road buffer a Type A buffer?

Applicant's Response:

We most likely couldn't fit a Type A buffer within the given 10 feet. This buffer will remain a Type D, as it is on the approved plans.

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): SM Raleigh LLC

Applicant(s): McAdams

Contact information (email/phone): Josh Decker | decker@mcadamsco.com | 919-361-5000

Meeting Address: Virtual - Zoom Meeting

Date of meeting: April 22, 2020 Time of meeting: 5:30-7:30

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:

Could you look at the amenity near our property (Woodward)? We don't want to much noise coming from that area or children wandering over to our property.

Applicant's Response:

This amenity is a lawn area and is located over 250 feet away from your property. There are not plans to have play equipment here, so noise from children shouldn't be an issue.

Question/Concern #2:

If you want to start building in the fall, you will need to make sure internet service is available. Having better internet service is something we are looking forward to with this new development.

Applicant's Response:

Thank you, that is something we will consider.

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

AFFIDAVIT OF CONDUCTING AN ELECTRONIC NEIGHBORHOOD MEETING AND ISSUES/RESPONSES SUBMITTAL

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

I, Brian Ketchem, do hereby declare as follows:
Print Name

1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Electronic Neighborhood Meeting.
3. The meeting was conducted via Zoom (indicate format of meeting) on April 22, 2020 (date) from 5:30 (start time) to 7:30 (end time).
4. I have included the mailing list, meeting invitation, attendance sheet issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

Date

By: _____

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County, on this the _____ day of _____, 20____.

SEAL

Notary Public

Print Name

My Commission Expires: _____

AFFIDAVIT OF CONDUCTING AN ELECTRONIC NEIGHBORHOOD MEETING AND ISSUES/RESPONSES SUBMITTAL

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

I, _____, do hereby declare as follows:

Print Name

1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Electronic Neighborhood Meeting.
3. The meeting was conducted via Zoom (indicate format of meeting) on April 22, 2020 (date) from 5:30 (start time) to 7:30 (end time).
4. I have included the mailing list, meeting invitation, attendance sheet issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

4/28/2020
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Stephanie A. Hedrick, a Notary Public for the above State and County, on this the 28th day of April, 2020.

SEAL



[Signature]
Notary Public
Stephanie A. Hedrick
Print Name

My Commission Expires: 08/02/2020

WEST VILLAGE PUD

PD PLAN FOR PUD CZ

APEX, NORTH CAROLINA

Dated November 2, 2015

Revised: December 4, 2015

Revised: January 15, 2016

Revised: April 15, 2016

Revised: May 2, 2016

Revised: July 1, 2016

Revised: July 26, 2016

Revised: August 3, 2016

Revised: May 1, 2020

Revised: June 12, 2020

Revised: June 24, 2020

PREPARED FOR:

Town of Apex

C/O Stanley Martin Homes

4020 Westchase Blvd

Suite 470

Raleigh, NC 27607

PREPARED BY:

THE JOHN R. MCADAMS COMPANY

BOB ZUMWALT, RLA

JOSH DECKER, RLA

 **MCADAMS**

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: Proposed Design Controls

Section 7: Proposed 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

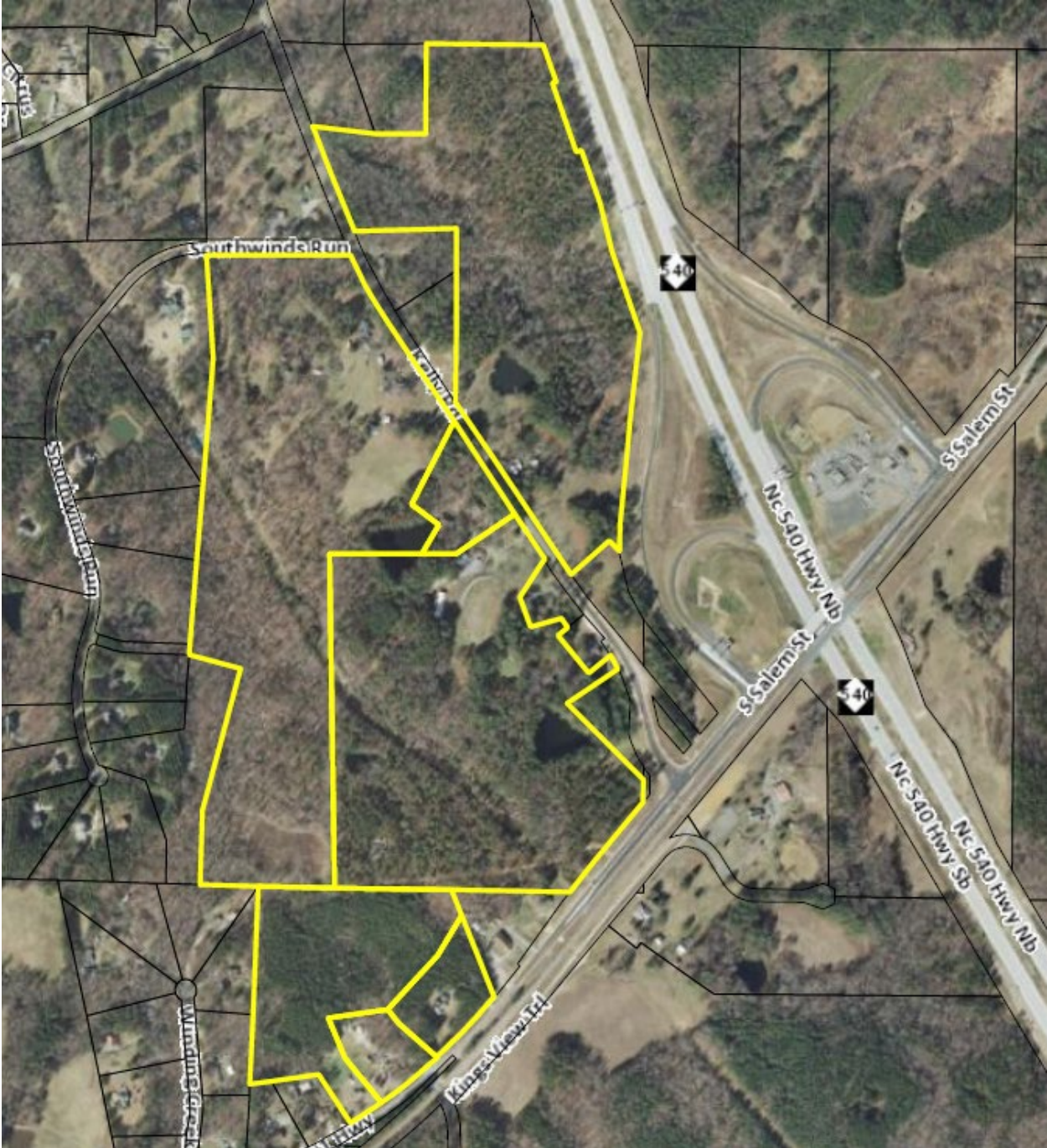
Section 13: Public Facilities

Section 14: Phasing Plan

Section 15: Consistency with Land Use Plan

Section 16: Compliance with UDO

Section 2: Vicinity Map



Section 3: Project Data

A. Name of Project: West Village PUD

B. Applicant

Owner/Developer: Stanley Martin Homes
4020 Westchase Blvd
Suite 470
Raleigh, NC 27607

Prepared By: The John R. McAdams Company, Inc.
2905 Meridian Parkway
Durham, NC 27713

C. Current Zoning Designation:

PUD-CZ (#15CZ33)

D. Proposed Zoning Designation:

PUD-CZ

E. Current 2045 Land Use Map Designation:

High Density Residential, Office Employment, Commercial Services, and Medium Density Residential.

Acres below are approximate as the line separating Land Use Map uses isn't surveyed. Acres and ratios below based upon total project acreage of 163.34 acres.

Medium Density Residential Acreage – 33.47 Acres (20.75% of Project Total)

Mixed-Use Acreage – 129.87 Acres (79.25% of Project Total, 38.96 acres required to be non-residential based on minimum 30% requirement

F. Proposed 2045 Land Use Map Designation:

The proposed PUD includes a mix of residential (maximum of 380 units) and non-residential uses (500,000 square feet maximum) which is consistent with the current land use designation of High Density Residential, Office Employment, Commercial Services, and Medium Density Residential. Acres and ratios below based upon total project acreage of 163.34 acres.

Proposed Residential – maximum of 380 units (up to 6 units/acre allowable)

- 3.55 units/residential use acre

Proposed Non-Residential – up to 55.99 acres, up to 500,000 SF

- 43.11% of Mixed-Use designation

G. Area of Tracts and Property Ownership

Total Gross Acreage within PUD: 163.34 Acres

Net Acreage following Right-of-Way Dedication: 161.34

Property Identification Number (PIN):

0731331798

0731441619

0731329405

0731311773

0731318157

0731422153

0731434504

0731441619

0731338590

0731435707

0731434767

Section 4: Purpose Statement

The West Village PUD development concept intends to provide a mix of residential housing opportunities and non-residential uses that are consistent with the Town’s stated PUD goal to provide site specific, high quality neighborhoods that exhibit natural feature preservation as well as compatibility with, and connectivity to, surrounding land uses. It is the intent of this development to comply with the PUD development parameters and design controls set forth in the Town’s UDO (Section 2.3.4 (F) (1)(a)(i)-(vi)). More specifically, this plan will:

- Allow uses that are compatible with Section 4.2.2, *Use Table* of the UDO.
- Offer a mix of non-residential and residential uses, including single-family detached lots, detached townhomes and attached townhomes. The maximum development density for each uses is provided for in this PUD Plan.
- Demonstrate dimensional standards that are consistent with the UDO, and where variances occur, said variances will be included herein and subject to Council approval.

- Provide a variety of residential and non-residential uses that are linked by a network of connected streets and pedestrian sidewalk and trail networks in a way that promotes connectivity, walkability and healthy lifestyles.
- Provide distinctive style architecture and housing which is compatible with the Land Use Plan and value expectations of surrounding properties.
- The Developer shall provide two locations for public art located within the proposed roundabouts and/or commercial areas, to be coordinated with the Town of Apex.

All site specific standards and conditions of this PD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in the UDO Section 2.3.3, *Conditional Zoning Districts*. The proposed PUD, with a maximum density of 380 units per acre and 500,000 square feet of non-residential uses will provide a development density that is consistent with the 2045 Land Use Plan designations of High Density Residential, Office Employment, Commercial Services, and Medium Density Residential. The Advance Apex 2045 Plan describes medium density residential use as primarily single-family, duplexes, and townhomes between 3 and 7 dwelling units per acre, a density that will act as a transition between more urbanized areas of Apex to lower density neighborhoods in the western part of the study area. Not only is the proposed PUD consistent with the future land use plan, it provides an effective transition from the high intensity intersection of Old US HWY 1 and NC HWY 540 to the existing lower density neighborhood to the north and west. The project will transition from non-residential uses at intersection of Old US HWY 1 and NC HWY 540 to townhomes and finally single-family detached homes adjacent to the lower density residential to the west. Road improvements, meeting Town of Apex standards, will allow connectivity within the development and to adjoining infrastructure, while a sidewalk network will offer pedestrian linkages as an alternative transportation modality.

Section 5: Permitted Uses

The development will include residential and non-residential uses. Specifically, the permitted uses shall include:

Residential

Housing (front loaded or alley loaded)

- Single-Family
- Townhouse
- Townhouse, detached

Utilities

- Utility, minor

Recreational Uses

- Greenway
- Park, Active
- Park, Passive
- Recreation facility, private

Non-Residential**Public and Civic Uses**

- Assembly Hall, Non-profit/for-profit
- Church
- Cemetery
- Day Care Facility
- School, Public or Private
- Veterinary Clinic or Hospital
- Vocational School
- Drop-in or Short-Term Child Care

Utilities

- Communication Tower, Commercial (limited to the existing tower)
- Utility, minor

Recreational Uses

- Entertainment, Indoor
- Greenway
- Park, Active
- Park, Passive
- Recreation facility, private

Food and Beverage Service

- Restaurant, drive-through
- Restaurant, general

Office and Research

- Medical or dental clinic or office
- Office, business or professional

Public Accommodation

- Hotel or motel

Retail Sales and Service

- Barber and beauty shop
- Book store
- Building supplies, retail
- Convenience store
- Convenience store with gas sales
- Dry cleaners and laundry service
- Farmer's market
- Financial institution
- Floral shop
- Funeral home
- Gas and fuel, retail
- Greenhouse or nursery, retail
- Grocery, general
- Grocery, specialty
- Health/fitness center or spa
- Laundromat
- Newsstand or gift shop
- Personal service
- Pharmacy
- Printing and copying services, limited
- Retail sales, bulky goods
- Retail sales, general
- Studio for art
- Tailor shop
- Theatre
- Pet services
- Artisan studio

Section 6: Proposed Design Controls

A. Residential Densities and Design Controls Density

- Maximum Units: 380 units
- Maximum built upon area: 70% (impervious)

Single-Family

- Minimum lot size: 7,000 square feet (8,000 SF average, minimum of 10,000 SF within 100' of Westwinds neighborhood off of Southwinds Run)
- Minimum lot width: 55 feet
- Front setback: 20 feet
- Side setback: 5 feet
- Corner side setback: 10 feet
- Rear setback: 15 feet
- Maximum building height: 36 feet (front façade, basements could increase height of floor to roof on rear façade)

Townhomes

- Minimum lot size: Not applicable
- Minimum lot width: 22 feet
- Front setback: 10 feet (alley loaded units)
18 feet (garage front units)
- Side setback: 0 feet
- Building separation: 16 feet
- Rear setback: 5 feet (alley loaded units)
10 feet (garage front units)
- Maximum building height: 45 feet; 3 story

Townhomes (Detached)

- Minimum lot size: Not applicable
- Minimum lot width: 22 feet
- Front setback: 10 feet (alley loaded units)
18 feet (garage front units)
- Side setback: 3 feet
- Corner side setback: 10 feet
- Rear setback: 5 feet (alley loaded units)
10 feet (garage front units)
- Maximum building height: 45 feet; 3 story

B. Non-Residential Densities and Design Controls

- Maximum Density: 500,000 square feet
- Minimum lot size: 5,000 square feet
- Minimum lot width: None
- Front setback: 5 feet
- Side setback: 5 feet
- Corner side setback: 5 feet
- Rear setback: 5 feet
- Maximum building height: 75 feet; 5 story
- Maximum built upon area: 70% (impervious)

C. Landscaping, Buffering, and Screening

All landscape, buffering and screening standards shall comply with buffer types and widths, shown on sheet C-2 of the PUD plans. However, along the new Street A and new Street B through Commercial Pod – 3 and the Residential area off of Old US HWY 1 no streetscape buffers will be required based on the option to alley load homes or buildings on the street. The 30' Type E Buffer along Old US HWY 1 frontage shall apply to residential and non-residential uses as shown on sheet C-2. Additionally, a portion of the 40' buffer along the western side of PIN 0731331798 will be disturbed and replanted to meet Type A standards, as shown on sheet C-2. This is to allow grading within the buffer and reduce retaining wall height to minimize adverse visual impacts for the neighbouring property.

Section 7: Proposed Architectural Controls

The proposed development will exhibit quality architectural aesthetics to establish a neighborhood theme while allowing architectural diversity. Basic architectural controls are included to ensure a consistency of character throughout the development while providing flexibility for variety, thus avoiding monotony.

Three (3) distinct residential areas are envisioned for West Village and will be comprised of attached townhomes, detached townhomes and detached single family homes. While the majority of the homes are likely to have front load garages, it is anticipated a portion of the project will also integrate alley-loaded detached townhomes within at least one or possibly both of the townhome sections. The prevailing architecture scheme proposed is designed to promote a mix of “Americana” and “New Urbanism”. There are 2 distinct townhome designs proposed, one is a Lake Cottage series utilizing a more natural material selection and earth tone color palette with wood and stone accents. The second townhome series is identified as an Urban American

design series with emphasis on clean lines and alternating materials to provide horizontal relief and additional interest. The color palate will be a soft series of brighter colors to incorporate diversity and vibrancy to the streetscape.

The single family detached homes will involve several different architectural styles including, but not only, Craftsman and Colonial melded into a diverse, eclectic and non-monotonous streetscape. Elevations will include gables, dormers and varying roof pitches to establish variation amongst facades. Colors used in the single family collection are expected to span a broad spectrum but generally softer in nature.

While each of the architectural series proposed will have their own identity, a number of common threads will link the different neighborhoods within West Village including the extensive use of front porches, metal accent roofs and decorative garage doors. Units shall not be the same color as the adjacent units. Elevations have been included below in an effort to represent the bulk, massing, scale and architectural style of the development.

Note: A maximum of 36' allowed. References below should not prohibit variations in height, however similar character, look and style shall be utilized. One story and one and a half story homes are allowable.



URBAN AMERICAN



COLONIAL



LAKE COTTAGE



CRAFTSMAN



WRAP PORCHES WHERE ALLOWED

SINGLE FAMILY HOMES

Architecture that incorporates Lake Cottage and Urban American styles, as well as Craftsman and Colonial to create an organic style that mimics the neighborhoods of the past.

Color palettes from Urban American and Lake Cottage collections will merge

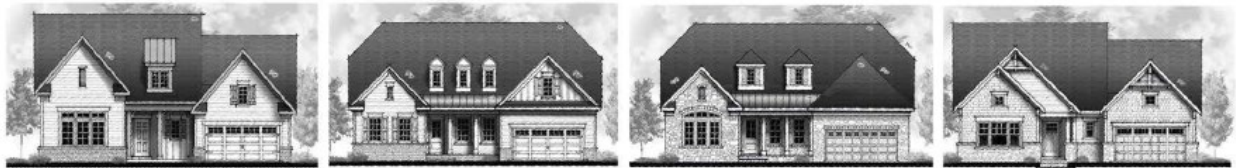
Materials will be the stone, brick, metal, board & batten, shake and horizontal siding. Front doors and garage doors will match the architectural styles of the homes.

There will be covered porches on all elevations to encourage outdoor living and the sense of community. Wrap porches encouraged on allowable lots.



IMAGES ARE FOR CONCEPT PURPOSES ONLY

WEST VILLAGE
APEX, NORTH CAROLINA



URBAN AMERICAN

COLONIAL

LAKE COTTAGE

CRAFTSMAN



OUTDOOR LIVING



OPEN FLOOR PLANS



COVERED PORCHES ON ALL ELEVATIONS

SINGLE FAMILY HOMES - 1 1/2 Story Homes

Architecture that incorporates Lake Cottage and Urban American styles, as well as Craftsman and Colonial to create an organic style that mimics the neighborhoods of the past.

Color palettes from Urban American and Lake Cottage collections will merge

Materials will be the stone, brick, metal, board & batten, shake and horizontal siding. Front doors and garage doors will match the architectural styles of the homes.

There will be covered porches on all elevations to encourage outdoor living and the sense of community.



SAMPLE COLOR PALETTE: COMBINES LAKE COTTAGE & URBAN AMERICAN

IMAGES ARE FOR CONCEPT PURPOSES ONLY

WEST VILLAGE
APEX, NORTH CAROLINA



LIGHTER STAIN ACCENTS

WHITE GARAGE DOORS

LIGHT TRIM

- LAKE COTTAGE STYLE
- TOWNHOMES
- REAR LOAD GARAGE
- Covered Porches
- Stone
- Light Stain & Painted Wood Accents:
- Brackets & Columns
- Light Trims
- Metal Roofs (Accent)
- Bronze Detailing
- Multiple Siding Materials
- Shake, Board & Batten, Lap
- Carriage Style Garage Doors with Glass



SAMPLE COLOR PALETTE - COMBINED LAKE COTTAGE & URBAN AMERICAN

WEST VILLAGE
APEX, NORTH CAROLINA



STAINED WOOD COLUMNS



STAINED FRONT DOORS



DARK TRIM & WINDOWS



METAL ROOF ACCENTS



STONE



EXPOSED WOOD BEAMS



COLOR PALETTE INSPIRED BY NATURE

**LAKE COTTAGE STYLE
TOWNHOMES**

- FRONT LOAD GARAGE
- Covered Porches
- Stone
- Wood Accents:
 - Brackets - Front Doors
 - Columns - Garage Doors with glass
- Dark Trims
- Metal Roofs (Accent)
- Bronze Detailing
- Multiple Siding Materials
 - Shake, Board & Batten, Lap

WEST VILLAGE
APEX, NORTH CAROLINA

IMAGES ARE FOR CONCEPT PURPOSES ONLY

Note: Third story living space may be included, however maximum heights per PUD will not be exceeded.



WHITE GARAGE DOORS WITH GLASS



CLEAN WINDOW GRID PATTERN



METAL ROOF



INDUSTRIAL STYLE LIGHT FIXTURES



COVERED PORCHES



BRIGHT DOOR COLORS



FRESH COLOR PALETTE

**URBAN AMERICAN
TOWNHOMES**

- Fresh Color Palette with Bright Doors
- Clean Architectural Lines
- Stone Accents
- Carriage Garage Doors with Windows
- Covered porches
- Metal Roof (Accent)

WEST VILLAGE
APEX, NORTH CAROLINA

IMAGES ARE FOR CONCEPT PURPOSES ONLY

Streetscape features may be used to help with establishing a framework for the proposed development. These features may include benches, trash receptacles, street and/or pedestrian lights compatible with their context. Other features may include markers, bollards, pole banners, and unique paving patterns.

Additional features used as focal points or key terminus points may be located within or around the development (i.e. gazebos, fountains, and public art). Other features not mentioned may be considered with administrative staff approval.

Residential Design Guidelines:

Single-Family Residential

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All single-family homes shall have a crawl space or have a raised slab foundation which at a minimum rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door.
3. Garage doors must have windows, decorative details or carriage-style adornments on them.
4. The garage cannot protrude more than 4' out from the front façade or front porch except where a side load garage condition presents itself.
5. The roof shall be pitched at 5:12 or greater.

Townhomes and Townhomes Detached

6. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
7. All townhomes shall have a crawl space or have a raised slab foundation which at a minimum rises at least 12 inches from average grade across the front of the house to the finished floor level at the front door.
8. Roofline cannot be a single mass; it must be broken up either horizontally and/or vertically between, at minimum, every other unit.
9. Garage doors must have windows, decorative details or carriage-style adornments on them.
10. House entrances for units with front-facing single-car garages must have a prominent covered porch/stoop area leading to the front door.

Proposed Materials

Proposed materials will be of a similar palette to provide consistency of character along with visual interest. Exterior material that may be incorporated into any of the residential building products include:

- Cementitious siding, metal accent roofs
- Wood siding
- Stone or synthetic stone
- Brick

Additional exterior materials that are prohibited include:

- Aluminium siding

Additional building materials may be included with administrative staff approval.

In addition to the above design guidelines, Builders of residential homes shall install conduit from the electric panel box to the attic area appropriate to allow connection of a roof-installed solar panel system.

Non-Residential Design Guidelines:

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

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

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

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

Exterior materials not allowable as a part of the development are as follows:

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

Section 8: Parking and Loading

All parking standards within the PUD will comply with Section 8.3, *Parking and Loading*, of the Town of Apex's UDO (effective date December 15, 2015).

Section 9: Signage

All signage for this PUD shall comply with Section 8.7, *Signs*, of the Town of Apex UDO. A Master Sign Plan shall be submitted by the developer that shows detailed location, dimensions, and materials of all signs, in accordance with Section 8.7 referenced above, with any site plan submittal.

Off-Site Signage Conditions

Developer shall design and construct neighborhood sign for adjacent Westwinds community at intersection of Southwinds Run and Kelly Road. A sign easement will be

coordinated with adjacent land owners to confirm location as the location will need to be platted and recorded.

Section 10: Natural Resource and Environmental Data

A. River Basins and Watershed Protection Overlay Districts

The project is located primarily Cape Fear River Basin. The project site is located within the Primary Watershed Protection Overlay District as shown on the Town of Apex watershed map. Given this overlay district, this PUD will comply with all built upon area, vegetated conveyances, structural BMP's and riparian stream buffer requirements of Section 6.1.7 (B)(1)-(4).

B. FEMA designated 100 year floodplains

The project site does not sit within a designated current or future 100 year floodplain as shown on the Town of Apex FEMA map and FIRM Panel 3720073100J, dated May 2, 2006.

C. 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*, as provided for within.

The PUD will preserve a minimum of 27% (including 2% required if the site is mass graded) of the gross project area as a Resource Conservation Area (RCA). 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's are provided as stormwater management areas, and greenway trails which necessarily contribute to a walkable community as the project intends. RCA is transferrable from locations shown as a part of the exhibits associated with this PUD document. However, the minimums stated shall be met prior to full build out of the project. On-site ponds are intended to be drained and based on the outcome of those processes, developable land may be created and RCA relocated.

D. Landscaping, Buffering and Screening

This PUD will be subject to, and meet the requirements of Section 8.2.6 of the UDO, *Buffering* as provided for within. Please note the perimeter buffer associated with the

westernmost property line has been increased above the minimum 10' required buffer in order to provide additional screening to the residential land located to the west of the project area. While a majority of this westernmost buffer includes 30' of undisturbed buffer and 10' of Type A (40' total), a portion of the 40' buffer along the western side of PIN 0731331798 will be disturbed and replanted to meet Type A standards, creating a 40' Type A buffer, as shown on sheet C-2. Allowing grading in this portion of the buffer will allow for reduced retaining wall height, as requested by the neighbouring property owner.

The PUD will contain the following landscape buffers to separate adjacent land uses:

- Type A: Opaque

This buffer functions as an opaque screen from the ground to a height of at least 6 feet. Plantings of deciduous and evergreen trees shall obtain a height at maturity of between 18 and 60 feet and have no unobstructed openings between tree canopies at maturity. Large trees shall be spaced no wider than 15 feet at time of planting. Screening plants for the type a buffer shall be evergreen and between 5 and 6 feet tall at the time of installation (see plant standards sec. 8.2.2(b)). At least 50 percent of the required trees and 100 percent of the shrubs must be evergreen species.

- Type B: Semi-Opaque

This buffer serves as a semi-opaque screen from the ground to a height of between 3 and 6 feet with openings no greater than 10 feet. Trees shall obtain a height of between 18 and 40 feet at maturity and have no unobstructed openings greater than 20 feet between canopies at maturity. Large trees shall be spaced no wider than 40 feet at time of planting, and small trees shall be spaced no more than 20 feet. At least 75 percent of the required shrubs must be evergreen species.

- Type D: Streetfront

This buffer is intended to provide a softening of the view of a particular property from the street, without eliminating views to and from the property. This shall include at least one large type tree for every 1,000 square feet of buffer, or two small trees for every 1,000 square feet of buffer. Large trees may not be spaced more than 30 feet apart, and small trees no more than 15 feet apart. At maturity, these trees shall reach a height of at least 20 feet. A streetfront buffer is required along all private and public streets except thoroughfares and controlled access highways. However, along the new Street A and new Street B through Commercial Pod – 3 and the Residential area off of Old US HWY 1 no

streetscape buffers will be required based on the option to alley load homes or buildings on the street.

- **Type E: Streetscape Buffers Along Thoroughfares.**
Streetscape buffers are required on all thoroughfares as shown on the adopted thoroughfare map. Streetscape buffers are to remain undisturbed to the maximum extent practicable except where no existing vegetation is present. However, along the new Street A and new Street B through Commercial Pod – 3 and the Residential area off of Old US HWY 1 no streetscape buffers will be required based on the option to alley load homes or buildings on the street.

E. Any historic structures present

One historic structure exists within Non-Residential Pod 1 and is shown on the Existing Conditions Plan and noted on the Preliminary Layout and Phasing Plan.

Prior to approval of a site plan for Non-Residential Pod 1 (subject property), a Historic Preservation Easement and Rehabilitation Agreement shall be established for historic structure(s) on the site with Capital Area Preservation (or such other agency as designated by the Town of Apex). The specific terms of the Historic Preservation Easement and Rehabilitation Agreement shall be as agreed to by the Owner and Capital Area Preservation (or such other agency as designated by the Town).

Efforts associated with removing, restoring or maintaining this structure will occur as a part of the non-residential development associated with this development pod. However, as a part of the road widening effort if conflicts arise as a part of required transportation or utility improvements, efforts to address this structure may happen prior to the non-residential development. Activities relating to the historic structure will be done in compliance with applicable UDO requirements, including Section 2.2.8.

Section 11: Stormwater Management

This PUD shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1.7 of the UDO, such that:

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

- Treatment for the first 1 inch of runoff will provide for 85% removal of total suspended solids.

Acceptable stormwater structures shall include detention ponds, retention ponds, bio-retention areas, or other approved devices consistent with the NC DWQ Stormwater BMP Manual and the Town of Apex UDO.

Section 12: Parks and Recreation

This project was reviewed by the PRCR Advisory Commission on 12/9/2015 and fee in lieu was recommended for a maximum of 380 residential units.

<u>No. Units</u>	<u>Housing Type</u>	<u>Fee Per Unit*</u>	<u>Total Fees</u>
85	Single-family	\$3,221.90	\$273,861.50
294	Townhomes	\$2,157.44	\$634,287.36

**Fees are based upon approval date and runs with project with exception of the increase in total unit count.*

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. Specifically, road and utility infrastructure shall be as follows:

- **General Roadway Infrastructure:**

All proposed roadway infrastructure will be consistent with the Town of Apex UDO and Transportation Plan (updated in 2011), and the Traffic Impact Analysis approved by the Town of Apex and NCDOT. An internal road network will be provided in accordance with the Town's UDO. All road networks will promote connectivity wherever possible to adjacent neighborhoods, undeveloped property, nearby points of interest, and municipal destinations. Further, cul-de-sacs will be avoided except where environmental features make through streets unfeasible.

Roadway Phasing – Prior to time of the fifty-first certificate of occupancy associated with the residential located off of Old US HWY 1, the second point of access (southernmost portion of Street A), necessary portion of the southernmost roundabout and Street B shown shall be constructed. As a part of the non-residential development in Pod 3, the roundabout proposed on Kelly Road shall be constructed along with the portion of

Street A tying back to the southernmost roundabout. Prior to time of the first certificate of occupancy associated with Pod 3, Street A will be complete the connection from Kelly Road and Old US HWY 1.

- **Off-Site Transportation Conditions:**

The project will also provide the following off-site transportation conditions:

All recommendations on state maintained roadways are subject to NCDOT review and approval as part of the driveway permits and encroachment agreements. Build 2018 refers to the first plat of residential development or as otherwise determined by Apex Town Council during the review and approval of subdivision plans. Build 2020 refers to the first plat of commercial development or as otherwise determined by Apex Town Council during the review and approval of commercial site plans. Internal Protected Storage Length (IPS) refers to the required minimum distance from the intersection along the proposed driveway or street before any full movement commercial driveway access or public street intersection will be allowed.

Developer shall provide right-of-way dedication along Kelly Road and Old US 1 based on a 100-foot right-of-way. Where Old US 1 abuts railroad right-of-way the developer shall be responsible for dedicating public right-of-way 70 feet from roadway centerline along the project frontage or as otherwise required to accommodate a 100-foot road right-of-way exclusive of railroad right-of-way.

Street 'A' and Street 'B' (including Kelly Road at Site Drive #4)

- Street 'A' shall be constructed as a 3-lane 38-foot curb and gutter street with 5-foot sidewalk on both sides on 62-foot public right-of-way.
- Street 'B' shall be constructed as a 2-lane 39-foot curb and gutter street with on-street parking and 6-foot sidewalk on both sides on 53-foot public right-of-way.
- Residential driveway access shall not be permitted along Streets 'A' and 'B'.
- Prior to platting the 51st residential unit in the Residential area located adjacent to Old US 1, developer shall construct and dedicate as public Street 'A' from Site Drive #5 to the roundabout at Street 'B', roundabout serving Street 'A' at Street 'B', and Street 'B' from Site Drive #6/Pleasant Plains Road to the roundabout at Street 'A'.
- Prior to the first certificate of occupancy within POD 3, developer shall construct and dedicate as public Street 'A' from the roundabout at Street 'B' to Kelly Road at Site Drive #4 and construct a roundabout on Kelly Road at Site Drive #4. The roundabout will serve a 4-lane divided roadway to the north and 2-lane roadway to the south for Build 2020.

Kelly Road at Olive Chapel Road

- Developer shall construct a 200-foot eastbound right turn lane and a 300-foot additional westbound left turn lane on Olive Chapel Road (with southbound receiving through lane on Kelly Road) for Build 2020.

Kelly Road at Apex Barbecue Road

- Developer shall construct a 400-foot eastbound left turn lane, 350-foot westbound left turn lane, 350-foot northbound left turn lane, 150-foot northbound right turn lane, 350-foot southbound left turn lane, and 200-foot southbound right turn lane for Build 2020.

Kelly Road at Southwinds Run

- Developer shall construct a 100-foot northbound left turn lane on Kelly Road, an additional (second) northbound through lane through the intersection to drop as a right turn at Site Drive #1, and begin an additional (second) southbound through lane immediately south of Southwinds Run for Build 2020.

Old US 1 at Kelly Road

- Developer shall construct a 100-foot westbound right turn lane on Old US 1 for Build 2018.
- Developer shall convert the intersection to right-in/right-out as well as construct an additional westbound through lane, beginning at the NC 540 Southbound off-ramp as a free-flow right turn exiting the ramp, along with a 200-foot westbound right turn lane on Old US 1 for Build 2020.
- Prior to platting the 300th residential unit, the developer will complete a signal warrant analysis at the intersection of Old US 1 and Kelly Road to determine if a traffic signal is warranted at the intersection. If the signal is warranted and approved for installation by NCDOT, the developer will permit and install the traffic signal. However, if Street "A" through POD 3 is under construction prior to installation of the signal, then the requirement for the signal shall be waived and the Kelly Road / Old US 1 intersection shall be converted to a Right-In/Right-Out as required in the improvements for the commercial development.

NC 540 Ramps at Old US 1

- Developer shall provide a free-flow right turn lane for the NC 540 Southbound off-ramp and additional receiving through lane continuing west to drop as a right turn at Site Drive #6 on Old US 1 for Build 2020.

Old US 1 at Pleasant Plains Road & Site Drive #6

- Developer shall construct Site Drive #6 with a through-right lane and a 200-foot left turn lane for Build 2018.

- Developer shall construct a 200-foot eastbound left turn lane and 200-foot westbound left turn lane on Old US 1 for Build 2018.
- Developer shall install a traffic signal once warranted and approved by NCDOT and install communication with the NC 540 traffic signals.
- Developer shall construct an additional westbound through lane on Old US 1 to drop as a right turn lane at Site Drive #6 for Build 2020.
- Developer shall construct an additional eastbound through lane on Old US 1 beginning 400 feet west of Site Drive #6 for Build 2020.

Kelly Road at Site Drive #1

- Developer shall construct Site Drive #1 as a right-in and right-out only providing 100 feet IPS and a 100-foot northbound right turn lane on Kelly Road for Build 2018.
- Developer shall construct an additional northbound through lane on Kelly Road to drop as a right turn lane at Site Drive #1 for Build 2020.

Kelly Road at Site Drive #2

- Developer shall construct Site Drive #2 as a right-in and right-out only providing 100 feet IPS for Build 2018.
- Developer shall construct an additional northbound through lane and an additional southbound through lane on Kelly Road at Site Drive #2 for Build 2020.

Kelly Road at Site Drive #3

- Developer shall construct Site Drive #3 with a 100-foot eastbound right turn lane and a 100-foot westbound right turn lane on the Site Drive #3 approaches adjacent to through-right lanes with 200 feet IPS for Build 2018.
- Developer shall construct 100-foot northbound and 100-foot southbound left turn lanes on Kelly Road for Build 2018.
- Developer shall construct an additional (second) southbound through lane and additional (second) northbound through lane on Kelly Road at Site Drive #3 for Build 2020.

Old US 1 at Site Drive #5

- Developer shall construct Site Drive #5 as a full-movement intersection with 200-foot dual southbound left turn lanes and a 200-foot southbound right turn lane providing 300 feet IPS providing connectivity to both the residential and commercial phases for Build 2020.
- Developer shall construct an additional (second) westbound through lane and add a 200-foot westbound right turn lane on Old US 1 for Build 2020.

- Developer shall construct a 300-foot eastbound left turn lane and an additional (second) eastbound through lane on Old US 1 dropping 1000 feet east of the intersection for Build 2020.

- **Electric Charging Stations:**

Developer shall provide 2 charging stations, one within the residential and one within the non-residential for electric vehicles within the overall project. In addition to these committed stations, two additional charging stations will be installed as part of the overall project.

- **Water & Sewer Utilities:**

All **water and sanitary sewer** service will be provided by the developer and conform to the Town of Apex Public Works and Utilities Department requirements. Preliminary location and tie in points are shown on sheet C-3 and C-4 of the PUD plans. The water extension shown along Kelly Road to Old US HWY 1, alternatively, could be located through Pod – 3 Commercial and southernmost residential accomplishing the intent of the routing shown on sheet C-3 and C-4. The ultimate routing will be dictated by timing of commercial development, roadway construction internal to the site and timing commitment related to the extension. However, this will be coordinated with the Town of Apex at time of site plan and construction documents.

Developer to provide \$75,000 in escrow for use by the Westwinds community for insurance associated with community wells, for use in drilling new wells or to extend public water into the community as a primary or secondary water source. Ultimately, the well-related use of the funds will be determined by the Westwinds community. Land owners will be required to annex into the Town of Apex prior to making any connections to public water services provided by the Town.

- **Other Utilities:**

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

Section 14: Phasing Plan

This PUD will be completed in up to 10 phases. Location of phases will be determined at the time of Master Subdivision Review and Approval.

Section 15: Consistency with the Land Use Plan

The proposed development is consistent with the 2045 Land Use Map's goals and objectives. The project contains both medium density residential and mixed-use designations. In accordance with this designation, the plan proposes a mix of uses that include single-family detached lots, townhomes and non-residential uses. The proposed development is situated at the intersection of Old US HWY 1 and NC HWY 540, positioning the project at a key location for future non-residential uses. As such, the project is allocating 34.28% of the total site area to accommodate non-residential uses. However, as it relates to the Mixed-Use designation, 43.11% of that total area has been allocated for non-residential uses.

The neighborhood is designed to provide an effective transition from the high intensity intersection of Old US HWY 1 and NC HWY 540 to the existing lower density neighborhoods to the north and west. The project will transition from non-residential uses at the intersection of Old US HWY 1 and NC HWY 540 to townhomes and finally single-family detached homes adjacent to the lower density residential to the northwest.

All uses within the project will be designed with an interconnected system of walkable streets, trails, open spaces and recreational amenities, providing for a highly desirable place for Apex residences to work, shop, eat and live.

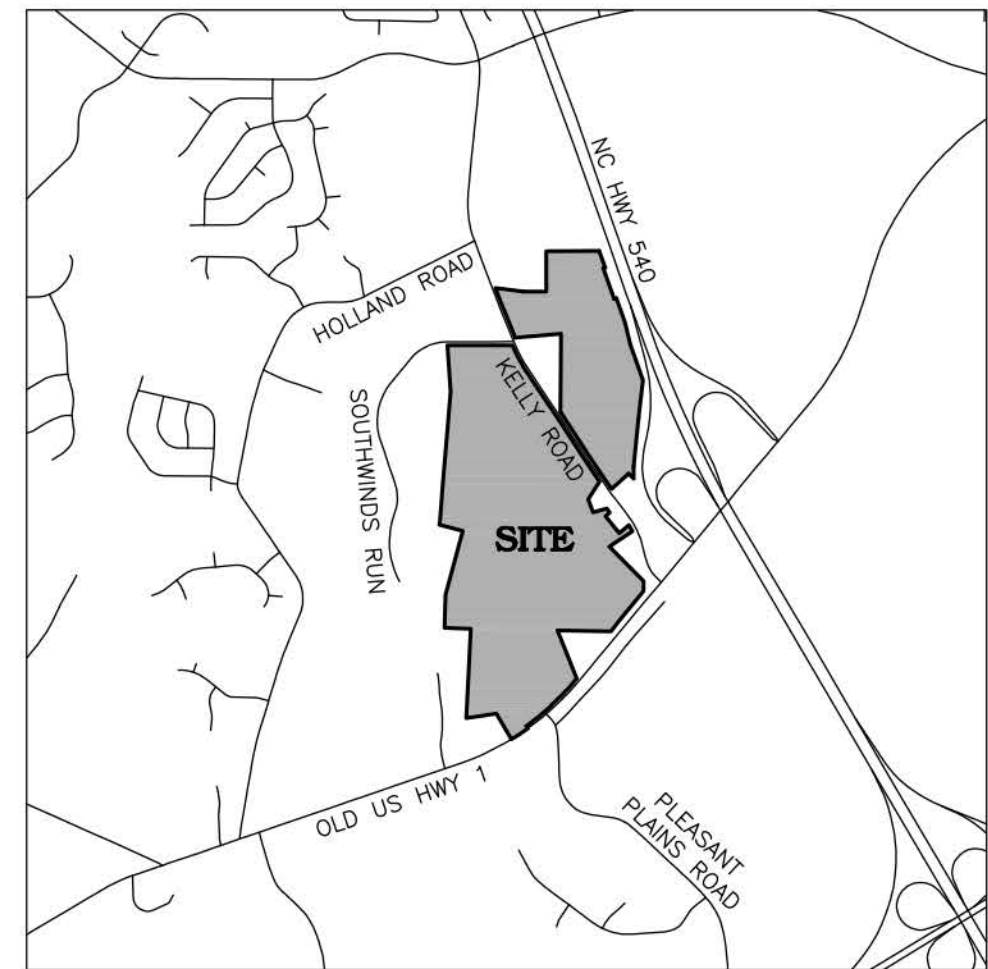
Section 16: Compliance with the UDO

The development standards adopted for this PUD are in compliance with all applicable sections of the Town's Unified Development Ordinance (UDO).

WEST VILLAGE

PLANNED DEVELOPMENT PLAN FOR PUD-CZ KELLY ROAD & OLD US HIGHWAY 1 APEX, NORTH CAROLINA PROJECT NUMBER: SMH-17000

DATE: MAY 1, 2020
REVISED: JUNE 12, 2020
REVISED: JUNE 24, 2020



VICINITY MAP
NTS



AERIAL MAP
NTS

DEVELOPER:
STANLEY MARTIN HOMES
4020 WESTCHASE BOULEVARD, SUITE 190
RALEIGH, NC 27607
CONTACT: BRIAN KETCHUM
PHONE: 919-977-8760
EMAIL: KetchumBK@stanleymartin.com

TRANSPORTATION ZONING CONDITIONS

- ALL RECOMMENDATIONS ON STATE MAINTAINED ROADWAYS ARE SUBJECT TO NCDOT REVIEW AND APPROVAL AS PART OF THE DRIVEWAY PERMITS AND ENCROACHMENT AGREEMENTS. BUILD 2018 REFERS TO THE FIRST PLAT OF RESIDENTIAL DEVELOPMENT OR AS OTHERWISE DETERMINED BY A TOWN COUNCIL DURING THE REVIEW AND APPROVAL OF SUBDIVISION PLANS. BUILD 2020 REFERS TO THE FIRST PLAT OF COMMERCIAL DEVELOPMENT OR AS OTHERWISE DETERMINED BY APEX TOWN COUNCIL DURING THE REVIEW AND APPROVAL OF COMMERCIAL SITE PLANS. INTERNAL PROTECTED STORAGE LENGTH (PSL) REFERS TO THE REQUIRED MINIMUM DISTANCE FROM THE INTERSECTION ALONG THE PROPOSED DRIVEWAY OR STREET BEFORE ANY FULL MOVEMENT COMMERCIAL DRIVEWAY ACCESS OR PUBLIC STREET INTERSECTION WILL BE ALLOWED.
- DEVELOPER SHALL PROVIDE RIGHT-OF-WAY DEDICATION ALONG KELLY ROAD AND OLD US 1 BASED ON A 100-FOOT RIGHT-OF-WAY. WHERE OLD US 1 ABUTS RAILROAD RIGHT-OF-WAY THE DEVELOPER SHALL BE RESPONSIBLE FOR DEDICATING PUBLIC RIGHT-OF-WAY 70 FEET FROM ROADWAY CENTERLINE ALONG THE PROJECT FRONTAGE OR AS OTHERWISE REQUIRED TO ACCOMMODATE A 100-FOOT ROAD RIGHT-OF-WAY EXCLUSIVE OF RAILROAD RIGHT-OF-WAY.
- STREET 'A' AND STREET 'B' (INCLUDING KELLY ROAD AT SITE DRIVE #4)
 - STREET 'A' SHALL BE CONSTRUCTED AS A 3-LANE 38-FOOT CURB AND GUTTER STREET WITH 5-FOOT SIDEWALK ON BOTH SIDES ON 62-FOOT PUBLIC RIGHT-OF-WAY.
 - STREET 'B' SHALL BE CONSTRUCTED AS A 2-LANE 35-FOOT CURB AND GUTTER STREET WITH ON-STREET PARKING AND 6-FOOT SIDEWALK ON BOTH SIDES ON 53-FOOT PUBLIC RIGHT-OF-WAY.
 - RESIDENTIAL DRIVEWAY ACCESS SHALL NOT BE PERMITTED ALONG STREETS 'A' AND 'B'.
 - PRIOR TO PLATING THE 51ST RESIDENTIAL UNIT IN THE RESIDENTIAL AREA LOCATED ADJACENT TO OLD US 1, DEVELOPER SHALL CONSTRUCT AND DEDICATE AS PUBLIC STREET 'A' FROM SITE DRIVE #5 TO THE ROUNDABOUT AT STREET 'B'. ROUNDABOUT SERVING STREET 'A' AT STREET 'B', AND STREET 'B' FROM SITE DRIVE #6/PLEASANT PLAINS ROAD TO THE ROUNDABOUT AT STREET 'A'.
 - PRIOR TO THE FIRST CERTIFICATE OF OCCUPANCY WITHIN POD 3, DEVELOPER SHALL CONSTRUCT AND DEDICATE AS PUBLIC STREET 'A' FROM THE ROUNDABOUT AT STREET 'B' TO KELLY ROAD AT SITE DRIVE #4 AND CONSTRUCT A ROUNDABOUT ON KELLY ROAD AT SITE DRIVE #4. THE ROUNDABOUT WILL SERVE AS A 4-LANE DIVIDED ROADWAY TO THE NORTH AND 2-LANE ROADWAY TO THE SOUTH FOR BUILD 2020.
- KELLY ROAD AT OLIVE CHAPEL ROAD
 - DEVELOPER SHALL CONSTRUCT A 200-FOOT EASTBOUND RIGHT TURN LANE AND A 300-FOOT WESTBOUND LEFT TURN LANE ON OLIVE CHAPEL ROAD (WITH SOUTHBOUND RECEIVING THROUGH LANE ON KELLY ROAD) FOR BUILD 2020.
- KELLY ROAD AT APEX BARBECUE ROAD
 - DEVELOPER SHALL CONSTRUCT A 400-FOOT EASTBOUND LEFT TURN LANE, 350-FOOT WESTBOUND LEFT TURN LANE, 350-FOOT NORTHBOUND LEFT TURN LANE, 150-FOOT NORTHBOUND RIGHT TURN LANE, 350-FOOT SOUTHBOUND LEFT TURN LANE, AND 200-FOOT SOUTHBOUND RIGHT TURN LANE FOR BUILD 2020.
- KELLY ROAD AT SOUTHWINDS RUN
 - DEVELOPER SHALL CONSTRUCT A 100-FOOT NORTHBOUND LEFT TURN LANE ON KELLY ROAD, AN ADDITIONAL (SECOND) NORTHBOUND THROUGH LANE THROUGH THE INTERSECTION TO DROP AS A RIGHT TURN AT SITE DRIVE #1, AND BEGIN AN ADDITIONAL (SECOND) SOUTHBOUND THROUGH LANE IMMEDIATELY SOUTH OF SOUTHWINDS RUN FOR BUILD 2020.
- OLD US 1 AT KELLY ROAD
 - DEVELOPER SHALL CONSTRUCT A 100-FOOT WESTBOUND RIGHT TURN LANE ON OLD US 1 FOR BUILD 2018.
 - DEVELOPER SHALL CONVERT THE INTERSECTION TO RIGHT-IN/RIGHT-OUT AS WELL AS CONSTRUCT AN ADDITIONAL WESTBOUND THROUGH LANE, BEGINNING AT THE NC 540 SOUTHBOUND OFF-RAMP AS A FREE-FLOW RIGHT TURN EXITING THE RAMP, ALONG WITH A 200-FOOT WESTBOUND RIGHT TURN LANE ON OLD US 1 FOR BUILD 2020.
- NC 540 RAMP AT OLD US 1
 - DEVELOPER SHALL PROVIDE A FREE-FLOW RIGHT TURN LANE FOR THE NC 540 SOUTHBOUND OFF-RAMP AND ADDITIONAL RECEIVING THROUGH LANE CONTINUING WEST TO DROP AS A RIGHT TURN AT SITE DRIVE #6 ON OLD US 1 FOR BUILD 2020.
- OLD US 1 AT PLEASANT PLAINS ROAD & SITE DRIVE #6
 - DEVELOPER SHALL CONSTRUCT SITE DRIVE #6 WITH A THROUGH-RIGHT LANE AND A 200-FOOT LEFT TURN LANE FOR BUILD 2018.
 - DEVELOPER SHALL CONSTRUCT A 200-FOOT EASTBOUND LEFT TURN LANE AND 200-FOOT WESTBOUND LEFT TURN LANE ON OLD US 1 FOR BUILD 2018.
 - DEVELOPER SHALL INSTALL A TRAFFIC SIGNAL ONCE WARRANTED AND APPROVED BY NCDOT AND INSTALL COMMUNICATION WITH THE NC 540 TRAFFIC SIGNALS.
 - DEVELOPER SHALL CONSTRUCT AN ADDITIONAL WESTBOUND THROUGH LANE ON OLD US 1 TO DROP AS A RIGHT TURN LANE AT SITE DRIVE #6 FOR BUILD 2020.
 - DEVELOPER SHALL CONSTRUCT AN ADDITIONAL EASTBOUND THROUGH LANE ON OLD US 1 BEGINNING 400 FEET WEST OF SITE DRIVE #6 FOR BUILD 2020.
- KELLY ROAD AT SITE DRIVE #1
 - DEVELOPER SHALL CONSTRUCT SITE DRIVE #1 AS A RIGHT-IN AND RIGHT-OUT ONLY PROVIDING 100 FEET IPS AND A 100-FOOT NORTHBOUND RIGHT TURN LANE ON KELLY ROAD FOR BUILD 2018.
 - DEVELOPER SHALL CONSTRUCT AN ADDITIONAL NORTHBOUND THROUGH LANE ON KELLY ROAD TO DROP AS A RIGHT TURN LANE AT SITE DRIVE #1 FOR BUILD 2020.
- KELLY ROAD AT SITE DRIVE #2
 - DEVELOPER SHALL CONSTRUCT SITE DRIVE #2 AS A RIGHT-IN AND RIGHT-OUT ONLY PROVIDING 100 FEET IPS FOR BUILD 2018.
 - DEVELOPER SHALL CONSTRUCT AN ADDITIONAL NORTHBOUND THROUGH LANE AND AN ADDITIONAL SOUTHBOUND THROUGH LANE ON KELLY ROAD AT SITE DRIVE #2 FOR BUILD 2020.
- KELLY ROAD AT SITE DRIVE #3
 - DEVELOPER SHALL CONSTRUCT SITE DRIVE #3 WITH A 100-FOOT EASTBOUND RIGHT TURN LANE AND A 100-FOOT WESTBOUND RIGHT TURN LANE ON THE SITE DRIVE #3 APPROACHES ADJACENT TO THROUGH-RIGHT LANES WITH 200 FEET IPS FOR BUILD 2018.
 - DEVELOPER SHALL CONSTRUCT 100-FOOT NORTHBOUND AND 100-FOOT SOUTHBOUND LEFT TURN LANES ON KELLY ROAD FOR BUILD 2018.
 - DEVELOPER SHALL CONSTRUCT AN ADDITIONAL (SECOND) SOUTHBOUND THROUGH LANE AND ADDITIONAL (SECOND) NORTHBOUND THROUGH LANE ON KELLY ROAD AT SITE DRIVE #3 FOR BUILD 2020.
- OLD US 1 AT SITE DRIVE #5
 - DEVELOPER SHALL CONSTRUCT SITE DRIVE #5 AS A FULL-MOVEMENT INTERSECTION WITH 200-FOOT DUAL SOUTHBOUND LEFT TURN LANES AND A 200-FOOT SOUTHBOUND RIGHT TURN LANE PROVIDING 300 FEET IPS PROVIDING CONNECTIVITY TO BOTH THE RESIDENTIAL AND COMMERCIAL PHASES FOR BUILD 2020.
 - DEVELOPER SHALL CONSTRUCT AN ADDITIONAL (SECOND) WESTBOUND THROUGH LANE AND ADD A 200-FOOT WESTBOUND RIGHT TURN LANE ON OLD US 1 FOR BUILD 2020.
 - DEVELOPER SHALL CONSTRUCT A 300-FOOT EASTBOUND LEFT TURN LANE AND AN ADDITIONAL (SECOND) EASTBOUND THROUGH LANE ON OLD US 1 DROPPING 1000 FEET EAST OF THE INTERSECTION FOR BUILD 2020.

OWNERS

- | | |
|---|---|
| 1. SM RALEIGH LLC
PIN: 0731-44-1619
ZONING: PUD-CZ
USE: VACANT | 7. SEARS, TONY C & JUDY T
PIN: 0731-33-8863
ZONING: PUD-CZ
USE: FORESTRY |
| 2. FAHEY FAMILY FARM LLC
PIN: 0731-43-4504
ZONING: PUD-CZ
USE: RESIDENTIAL | 8. SEARS, TONY C & JUDY T
PIN: 0731-32-9405
ZONING: PUD-CZ
USE: FORESTRY |
| 3. FAHEY FAMILY FARM LLC
PIN: 0731-43-5707
ZONING: PUD-CZ
USE: VACANT | 9. SEARS, TONY C & JUDY T
PIN: 0731-42-2153
ZONING: PUD-CZ
USE: FORESTRY |
| 4. FAHEY FAMILY FARM LLC
PIN: 0731-43-4767
ZONING: PUD-CZ
USE: VACANT | 10. SM RALEIGH
PIN: 0731-31-1773
ZONING: PUD-CZ
USE: VACANT |
| 5. SM RALEIGH LLC
PIN: 0731-33-1798
ZONING: PUD-CZ
USE: VACANT | 11. J&M STROUP LLC
PIN: 0731-31-8157
ZONING: PUD-CZ
USE: RESIDENTIAL |
| 6. SEARS, TONY C & JUDY T
PIN: 0731-33-8590
ZONING: PUD-CZ
USE: FORESTRY | |

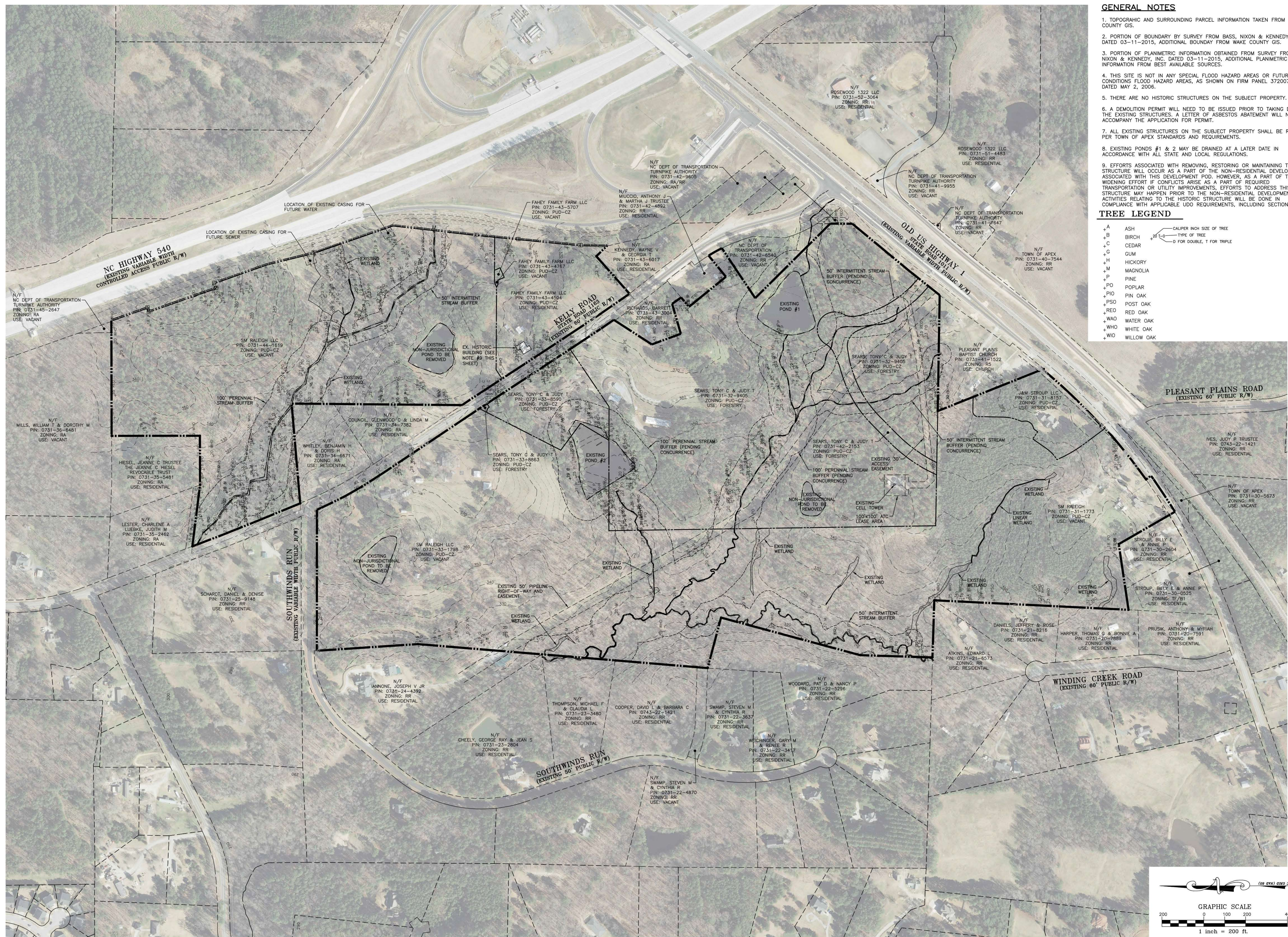
SITE DATA

DEVELOPER	STANLEY MARTIN HOMES 4020 WESTCHASE BLVD, SUITE 190 RALEIGH, NC 27607		
PARCELS	0731-44-1619 0731-43-4504 0731-43-5707 0731-43-4767	0731-33-1798 0731-33-8590 0731-33-8863 0731-32-9405	0731-42-2153 0731-31-1773 0731-31-8157
SITE AREA	GROSS: 163.34 AC R/W DEDICATION: 2.00 AC NET: 161.34 AC		
EXISTING ZONING	PUD-CZ #15C233		
PROPOSED ZONING	PUD-CZ		
RIVER BASIN	CAPE FEAR		
WATERSHED OVERLAY	PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT		
MAX BUILT UPON AREA (IMPERVIOUS)	LESS THAN 70% (IMPERVIOUS)		
2045 LAND USE MAP DESIGNATION	HIGH DENSITY RESIDENTIAL, OFFICE EMPLOYMENT, COMMERCIAL SERVICES, AND MEDIUM DENSITY RESIDENTIAL		
EXISTING USE	RESIDENTIAL		
PROPOSED USE	UP TO 393 TOTAL RESIDENTIAL UNITS (SINGLE FAMILY & TOWNHOMES) UP TO 500,000 SF NON-RESIDENTIAL RECREATIONAL FACILITY (PRIVATE), PARK (ACTIVE), PARK (PASSIVE), UTILITY (MINOR)		
MIX OF USES	RESIDENTIAL: 105.35 AC (65.30%) NON-RESIDENTIAL: 55.99 AC (34.70%)		
DENSITY	393 UNITS / 105.84 AC = 3.71 UNITS/AC		
LOT WIDTH	MINIMUM 55'	TOWNHOME DETACHED 22'	NON-RESIDENTIAL 50'
LOT SIZE	MINIMUM 7,000 SF	N/A	5,000 SF
AVERAGE	8,000 SF	N/A	N/A
*MINIMUM LOT SIZE FOR SINGLE FAMILY LOTS WITHIN 100' OF FAR WESTERN PROPERTY LINE (ADJACENT TO WESTWINDS SUBDIVISION) SHALL BE 10,000 SF			
SETBACKS	SIDE 5'	0'	3'
FRONT	20'	10'; OR 18' WHERE THERE IS A FRONT-LOADED GARAGE	10'; OR 18' WHERE THERE IS A FRONT-LOADED GARAGE
CORNER SIDE	10'	16' BUILDING SEPARATION	10' BUILDING SEPARATION
REAR	15'	10'; OR 5' TO ALLEY-LOADED GARAGE	10'; OR 5' TO ALLEY-LOADED GARAGE
BUILDING HEIGHT	MAXIMUM 36'	45' (3-STORY)	45' (3-STORY) 75' (5-STORY)
FEMA FIRM PANEL	3720073100J		
RESOURCE CONSERVATION AREA (RCA)	27% MINIMUM (43.56 AC) INCLUDES 2% REQUIRED IF SITE IS MASS GRADED		
IMPERVIOUS SURFACE AREA	ALLOWED	112.94 AC (70%)	
	PROPOSED	36.71 AC (22.75%)	



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Contact: Josh Decker
decker@mcadamsco.com

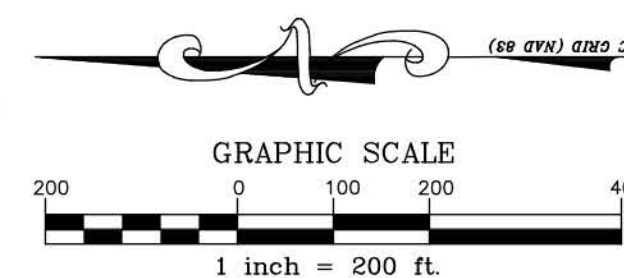
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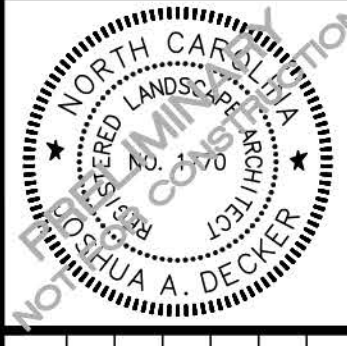
- GENERAL NOTES**
1. TOPOGRAPHIC AND SURROUNDING PARCEL INFORMATION TAKEN FROM WAKE COUNTY GIS.
 2. PORTION OF BOUNDARY BY SURVEY FROM BASS, NIXON & KENNEDY, INC. DATED 03-11-2015, ADDITIONAL BOUNDARY FROM WAKE COUNTY GIS.
 3. PORTION OF PLANIMETRIC INFORMATION OBTAINED FROM SURVEY FROM BASS, NIXON & KENNEDY, INC. DATED 03-11-2015, ADDITIONAL PLANIMETRIC INFORMATION FROM BEST AVAILABLE SOURCES.
 4. THIS SITE IS NOT IN ANY SPECIAL FLOOD HAZARD AREAS OR FUTURE CONDITIONS FLOOD HAZARD AREAS, AS SHOWN ON FIRM PANEL 3720073100J DATED MAY 2, 2006.
 5. THERE ARE NO HISTORIC STRUCTURES ON THE SUBJECT PROPERTY.
 6. A DEMOLITION PERMIT WILL NEED TO BE ISSUED PRIOR TO TAKING DOWN THE EXISTING STRUCTURES. A LETTER OF ASBESTOS ABATEMENT WILL NEED TO ACCOMPANY THE APPLICATION FOR PERMIT.
 7. ALL EXISTING STRUCTURES ON THE SUBJECT PROPERTY SHALL BE REMOVED PER TOWN OF APEX STANDARDS AND REQUIREMENTS.
 8. EXISTING PONDS #1 & 2 MAY BE DRAINED AT A LATER DATE IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS.
 9. EFFORTS ASSOCIATED WITH REMOVING, RESTORING OR MAINTAINING THIS STRUCTURE WILL OCCUR AS A PART OF THE NON-RESIDENTIAL DEVELOPMENT ASSOCIATED WITH THIS DEVELOPMENT POD. HOWEVER, AS A PART OF THE ROAD WIDENING EFFORT IF CONFLICTS ARISE AS A PART OF REQUIRED TRANSPORTATION OR UTILITY IMPROVEMENTS, EFFORTS TO ADDRESS THIS STRUCTURE MAY HAPPEN PRIOR TO THE NON-RESIDENTIAL DEVELOPMENT. ACTIVITIES RELATING TO THE HISTORIC STRUCTURE WILL BE DONE IN COMPLIANCE WITH APPLICABLE UDC REQUIREMENTS, INCLUDING SECTION 2.2.8.

TREE LEGEND

+A	ASH	○	CALIPER INCH SIZE OF TREE
+B	BIRCH	○	TYPE OF TREE
+C	CEDAR	○	D FOR DOUBLE, T FOR TRIPLE
+G	GUM		
+H	HICKORY		
+M	MAGNOLIA		
+P	PINE		
+PO	POPLAR		
+PIO	PIN OAK		
+PSO	POST OAK		
+REO	RED OAK		
+WAO	WATER OAK		
+WHO	WHITE OAK		
+WIO	WILLOW OAK		



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REVISIONS:

1	2020-06-12	PER TOWN OF APEX COMMENTS
2	2020-06-24	PER TOWN OF APEX COMMENTS

DEVELOPER:
STANLEY MARTINHOMES
 4020 WESTCHASE BOULEVARD,
 SUITE 190
 RALEIGH, NC 27607

WEST VILLAGE
KELLY ROAD & OLD US HIGHWAY 1
 APEX, NORTH CAROLINA
EXISTING CONDITIONS PLAN

PROJECT NO:	ORL-15000
FILENAME:	ORL15000-XCI
DESIGNED BY:	RCZ
DRAWN BY:	RLU
SCALE:	1" = 200'
DATE:	05-01-2020
SHEET NO.:	C-1



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

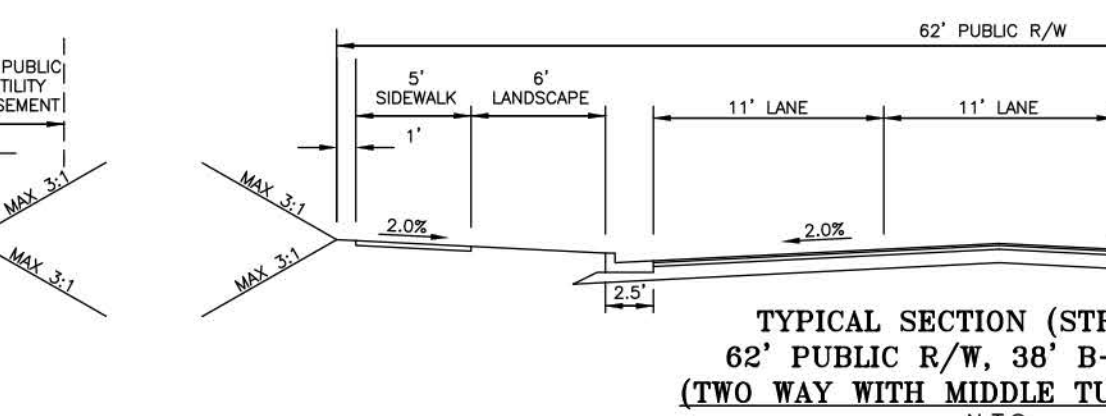
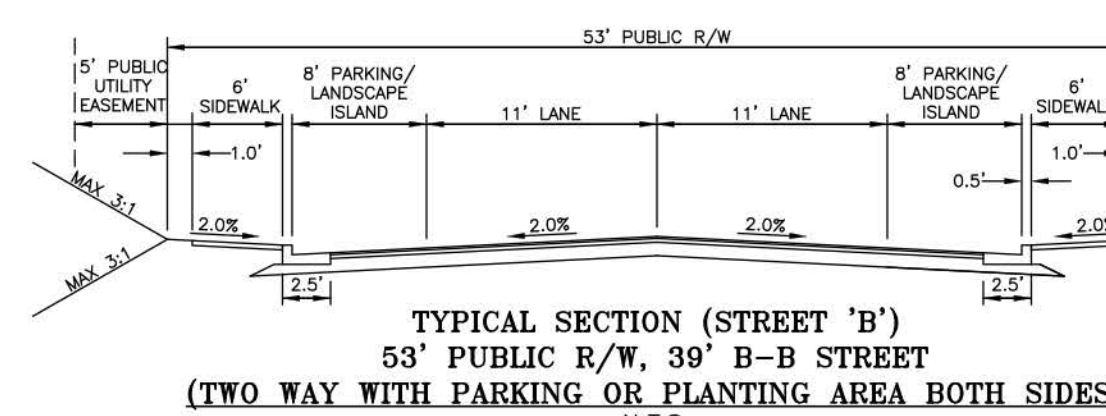
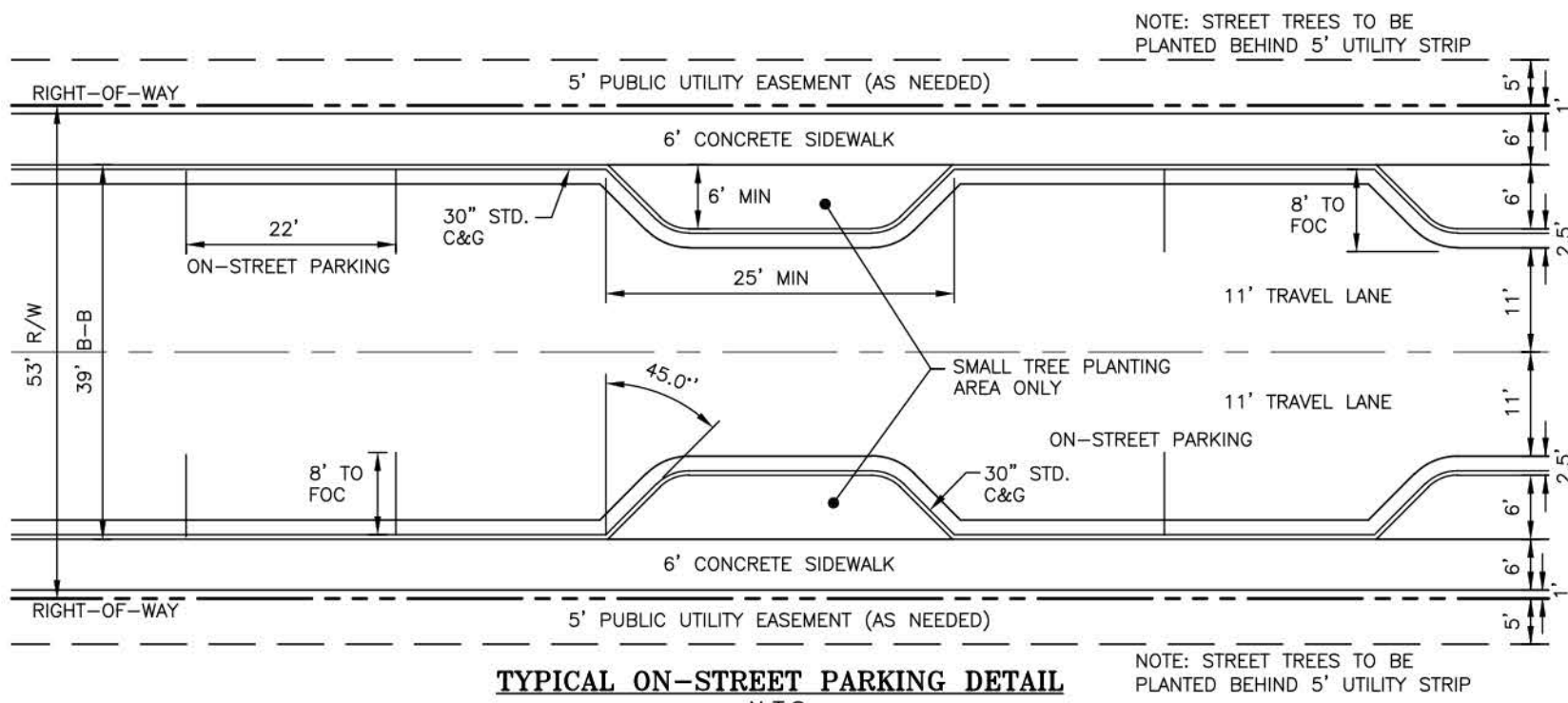
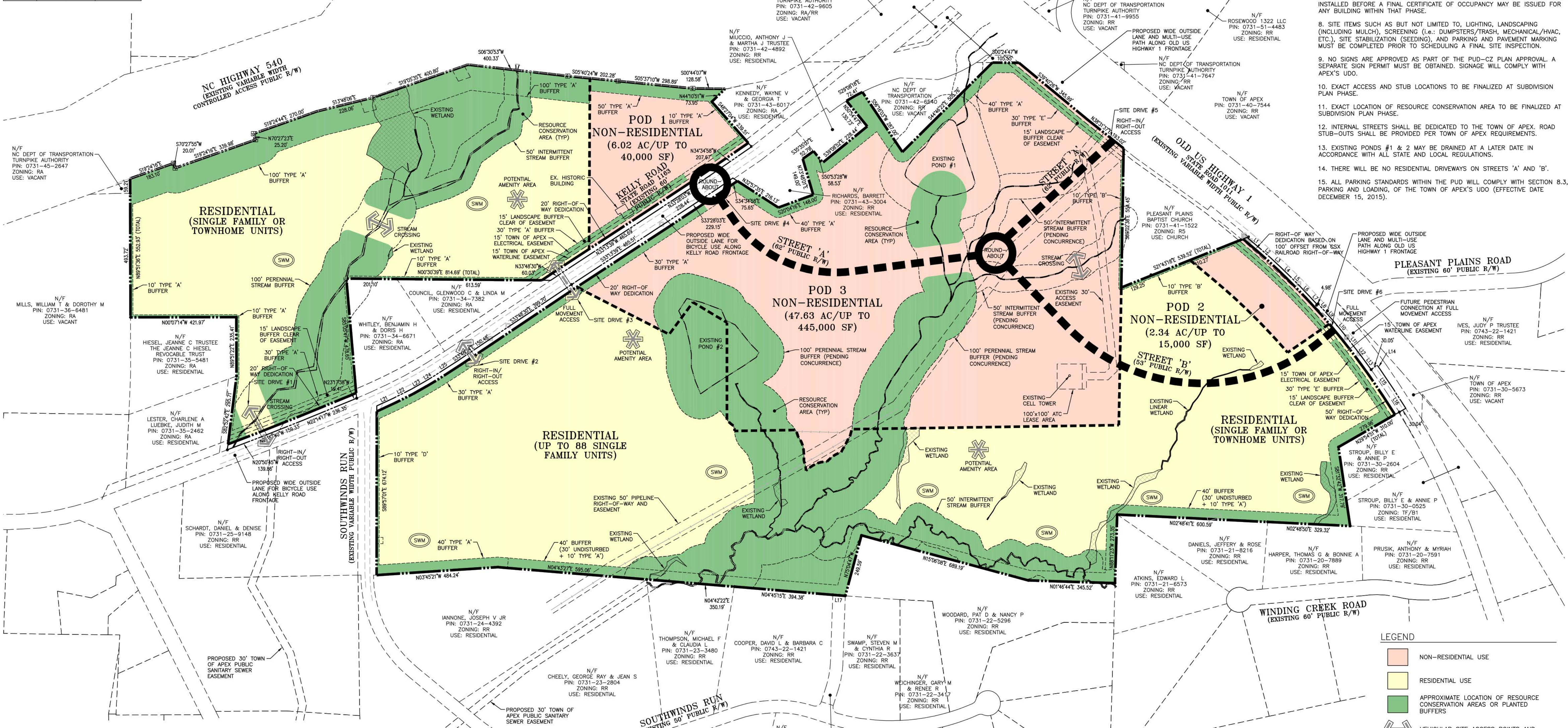
LINE	DIRECTION	DISTANCE
L1	S40°32'07"W	71.72
L2	S41°36'33"W	53.02
L3	S42°59'16"W	53.35
L4	S44°03'19"W	53.17
L5	S45°07'59"W	53.49
L6	S46°17'03"W	53.01
L7	S47°08'27"W	49.64
L8	S47°56'55"W	40.75
L9	S48°37'10"W	50.54
L10	S50°43'16"W	84.89
L11	S51°56'36"W	53.06
L12	S52°56'35"W	52.31
L13	S54°05'42"W	56.50
L14	S54°00'47"W	21.64
L15	S56°04'32"W	95.13
L16	S57°13'06"W	90.86
L17	N04°40'34"E	50.02
L21	S24°58'58"E	73.12
L22	S26°40'10"E	79.58
L23	S29°35'51"E	60.12
L24	S30°35'44"E	44.59
L25	S32°44'34"E	108.36

PHASING NOTES

1. THE PROPERTY WILL BE DEVELOPED IN UP TO 10 PHASES. THE TIMING AND AMOUNT OF PHASES WILL BE DEFINED AT THE TIME OF SITE PLAN REVIEW.
2. ACCESS POINTS ARE PRELIMINARY IN NATURE AND SUBJECT TO TOWN OF APEX AND NDOT REVIEW AT TIME OF SITE PLAN REVIEW.
3. LIMITS OF LAND DISTURBANCE WITHIN EACH PHASE TO BE FINALIZED AT SITE PLAN PHASE.
4. PUBLIC UTILITIES SHALL BE PROVIDED FOR EACH PHASE.
5. ROADWAY PHASING - PRIOR TO TIME OF THE FIFTY-FIRST PLATTED LOT ASSOCIATED WITH THE RESIDENTIAL LOCATED OFF OF OLD US HWY 1, THE SECOND POINT OF ACCESS (SOUTHERNMOST PORTION OF STREET 'A'), NECESSARY PORTION OF THE SOUTHERNMOST ROUNDABOUT AND STREET 'B' SHOWN SHALL BE CONSTRUCTED, AS A PART OF THE NON-RESIDENTIAL DEVELOPMENT IN POD 3, THE ROUNDABOUT PROPOSED ON KELLY ROAD SHALL BE CONSTRUCTED ALONG WITH THE PORTION OF STREET 'A' TRYING BACK TO THE SOUTHERNMOST ROUNDABOUT, PRIOR TO TIME OF THE FIRST CERTIFICATE OF OCCUPANCY FOR ANY COMMERCIAL WITHIN POD 3, STREET 'A' WILL BE FULLY CONSTRUCTED, CONNECTING KELLY ROAD TO OLD US HWY 1.

SITE NOTES

1. REFER TO PUD DOCUMENT FOR A COMPLETE LIST OF ALLOWABLE USES FOR EACH TRACT OR DEVELOPMENT AREA.
2. NO SITE DEVELOPMENT ACTIVITY INCLUDING BUT NOT LIMITED TO TESTING, CLEARING, INSTALLATION OF S&E MEASURES, OR GRADING, SHALL OCCUR UNTIL REQUIRED PROTECTION FENCING HAS BEEN INSTALLED AND INSPECTED. A PROTECTION FENCING INSTALLATION PERMIT MAY BE OBTAINED AT THE PLANNING DEPARTMENT OR BY CALLING 919-249-3426.
3. 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.).
4. ALL GRADING AND SUPPORT STRUCTURES ASSOCIATED WITH ANY RETAINING STRUCTURE SHALL NOT ENCROACH INTO ANY REQUIRED BUFFER OR PROTECTED AREA (SUCH AS, BUT NOT LIMITED TO, RCA AND CRITICAL ROOT ZONES OF TREES, PUBLIC UTILITY EASEMENTS, AND RIGHTS-OF-WAY), AND SHALL BE CONTAINED ENTIRELY ON SITE.
5. 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.
6. THE SCREENING OF TRASH CONTAINERS (INCLUDING DUMPSTERS AND ROLL-OUT CARTS), OUTDOOR STORAGE, MECHANICAL AND HVAC EQUIPMENT, AND SIMILAR FACILITIES ON THE ROOF, ON THE GROUND, OR ON BUILDINGS SHALL MEET THE REQUIREMENTS FOUND IN SECTION 8.2.8 OF THE UNIFIED DEVELOPMENT ORDINANCE; SPECIFICALLY SCREENING MUST BE DONE SO THAT:
 - A. IT IS INCORPORATED INTO THE OVERALL DESIGN THEME OF THE BUILDING AND LANDSCAPE.
 - B. SCREENING MATERIALS ARE NOT DIFFERENT FROM OR INFERIOR TO THE PRINCIPAL MATERIALS OF THE BUILDING OR LANDSCAPE, AND ARE SIMILAR IN MATERIALS AND COLOR.
 - C. SCREENED ITEMS ARE OUT OF VIEW FROM ADJACENT PROPERTIES AND PUBLIC STREETS, AND A TOTALLY OPAQUE SCREEN IS ACHIEVED.
 - D. ANY GROUND-MOUNTED HVAC OR OTHER MECHANICAL OR UTILITY EQUIPMENT SIX-FOOT TALL OR HIGHER MUST BE FENCED AND LANDSCAPED.
 - E. DUMPSTER ENCLOSURES MUST MEET THE ABOVE REQUIREMENTS PLUS THEY MUST BE AT LEAST EIGHT-FOOT TALL OR THE HEIGHT OF THE DUMPSTER, WHICHEVER IS TALLER; AND BE BUILT OF MASONRY MATERIAL.
7. 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.
8. SITE ITEMS SUCH AS BUT NOT LIMITED TO, LIGHTING, LANDSCAPING (INCLUDING MULCH), SCREENING (I.E.: DUMPSTERS/TRASH, MECHANICAL/HVAC, ETC.), SITE STABILIZATION (SEEDING), AND PARKING AND PAVEMENT MARKING MUST BE COMPLETED PRIOR TO SCHEDULING A FINAL SITE INSPECTION.
9. NO SIGNS ARE APPROVED AS PART OF THE PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED. SIGNAGE WILL COMPLY WITH APEX'S UDO.
10. EXACT ACCESS AND STUB LOCATIONS TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
11. EXACT LOCATION OF RESOURCE CONSERVATION AREA TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
12. INTERNAL STREETS SHALL BE DEDICATED TO THE TOWN OF APEX, ROAD STUB-OUTS SHALL BE PROVIDED PER TOWN OF APEX REQUIREMENTS.
13. EXISTING PONDS #1 & 2 MAY BE DRAINED AT A LATER DATE IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS.
14. THERE WILL BE NO RESIDENTIAL DRIVEWAYS ON STREETS 'A' AND 'B'.
15. ALL PARKING STANDARDS WITHIN THE PUD WILL COMPLY WITH SECTION 8.3, PARKING AND LOADING, OF THE TOWN OF APEX'S UDO (EFFECTIVE DATE DECEMBER 15, 2015).



LEGEND

- NON-RESIDENTIAL USE
- RESIDENTIAL USE
- APPROXIMATE LOCATION OF RESOURCE CONSERVATION AREAS OR PLANTED BUFFERS
- VEHICULAR SITE ACCESS POINTS AND APPROXIMATE STREAM CROSSING LOCATIONS
- POSSIBLE LOCATION OF AMENITY AREA (1 TOTAL ON SITE)
- APPROXIMATE LOCATION OF STORMWATER MANAGEMENT FACILITY

NOTE: ALL ITEMS IN LEGEND OTHER THAN VEHICULAR SITE ACCESS POINTS ARE SHOWN CONCEPTUALLY. FINAL LOCATION OF AMENITIES, RCA, & STORMWATER MANAGEMENT FACILITIES WILL BE DETERMINED AT THE TIME OF SITE PLAN.

GRAPHIC SCALE
1" = 200'
0 100 200 400

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REVISIONS:

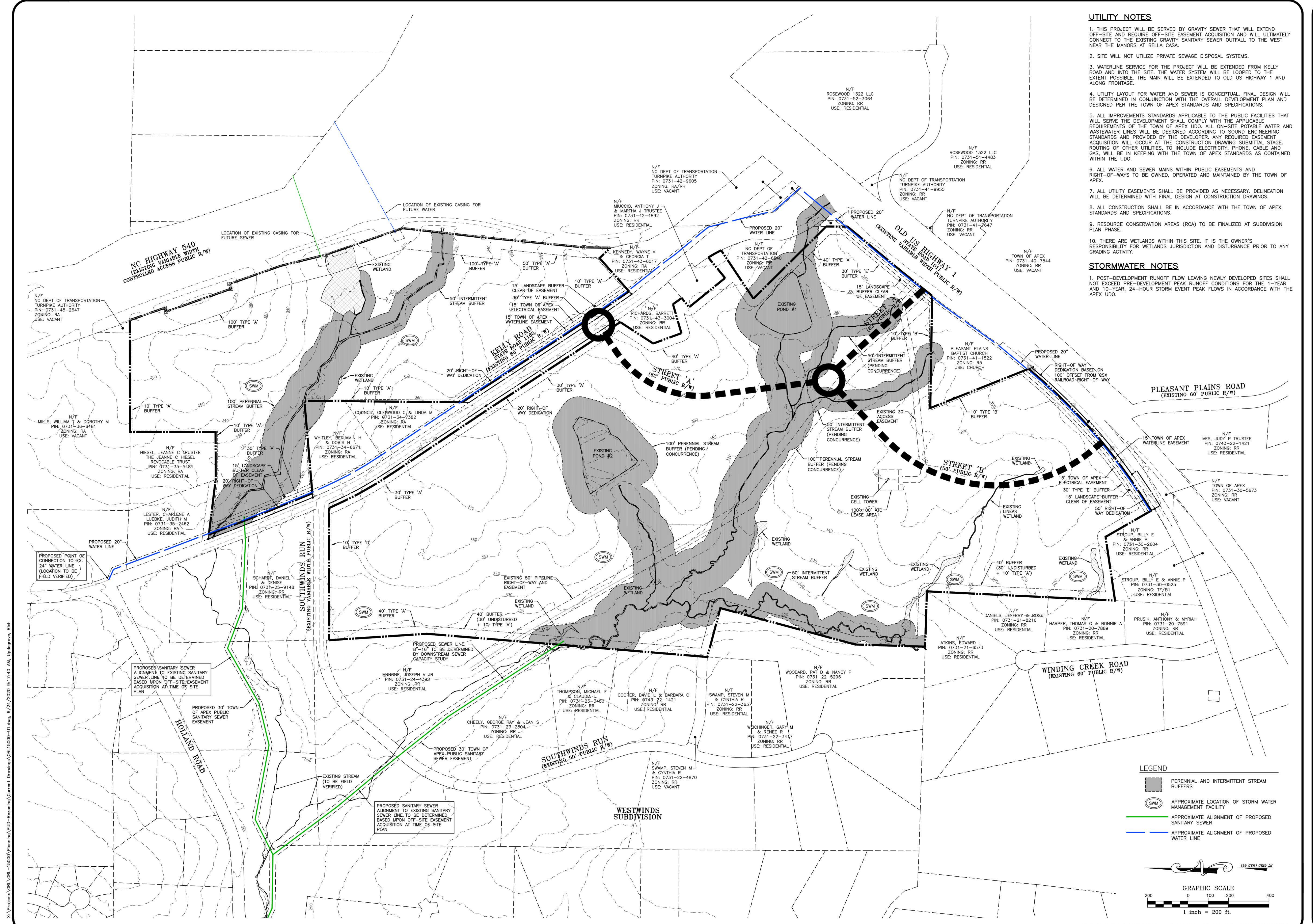
NO.	DATE	DESCRIPTION
1	2020-05-12	PER TOWN OF APEX COMMENTS
2	2020-05-24	PER TOWN OF APEX COMMENTS

DEVELOPER:
STANLEY MARTIN HOMES
4020 WESTCHASE BOULEVARD,
SUITE 190
RALEIGH, NC 27667

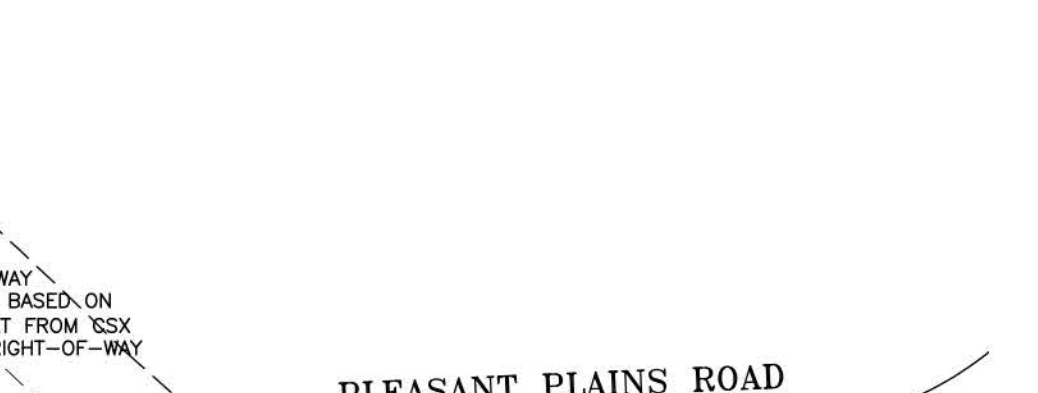
PROJECT NO.: ORL-15000
FILENAME: ORL15000-S1
DESIGNED BY: RCZ
DRAWN BY: RLU
SCALE: 1" = 200'
DATE: 05-01-2020
SHEET NO.: C-2

WEST VILLAGE
KELLY ROAD & OLD US HIGHWAY 1
APEX, NORTH CAROLINA
PRELIMINARY LAYOUT & PHASING PLAN

MCADAMS



- ### UTILITY NOTES
1. THIS PROJECT WILL BE SERVED BY GRAVITY SEWER THAT WILL EXTEND OFF-SITE AND REQUIRE OFF-SITE EASEMENT ACQUISITION AND WILL ULTIMATELY CONNECT TO THE EXISTING GRAVITY SANITARY SEWER OUTFALL TO THE WEST NEAR THE MANORS AT BELLA CASA.
 2. SITE WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL SYSTEMS.
 3. WATERLINE SERVICE FOR THE PROJECT WILL BE EXTENDED FROM KELLY ROAD AND INTO THE SITE. THE WATER SYSTEM WILL BE LOOPEO TO THE EXTENT POSSIBLE. THE MAIN WILL BE EXTENDED TO OLD US HIGHWAY 1 AND ALONG FRONTAGE.
 4. UTILITY LAYOUT FOR WATER AND SEWER IS CONCEPTUAL. FINAL DESIGN WILL BE DETERMINED IN CONJUNCTION WITH THE OVERALL DEVELOPMENT PLAN AND DESIGNED PER THE TOWN OF APEX STANDARDS AND SPECIFICATIONS.
 5. ALL IMPROVEMENTS STANDARDS APPLICABLE TO THE PUBLIC FACILITIES THAT WILL SERVE THE DEVELOPMENT SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE TOWN OF APEX UDO. ALL ON-SITE POTABLE WATER AND WASTEWATER LINES WILL BE DESIGNED ACCORDING TO SOUND ENGINEERING STANDARDS AND PROVIDED BY THE DEVELOPER. ANY REQUIRED EASEMENT ACQUISITION WILL OCCUR AT THE CONSTRUCTION DRAWING SUBMITTAL STAGE. ROUTING OF OTHER UTILITIES, TO INCLUDE ELECTRICITY, PHONE, CABLE AND GAS, WILL BE IN KEEPING WITH THE TOWN OF APEX STANDARDS AS CONTAINED WITHIN THE UDO.
 6. ALL WATER AND SEWER MAINS WITHIN PUBLIC EASEMENTS AND RIGHT-OF-WAYS TO BE OWNED, OPERATED AND MAINTAINED BY THE TOWN OF APEX.
 7. ALL UTILITY EASEMENTS SHALL BE PROVIDED AS NECESSARY. DELINEATION WILL BE DETERMINED WITH FINAL DESIGN AT CONSTRUCTION DRAWINGS.
 8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE TOWN OF APEX STANDARDS AND SPECIFICATIONS.
 9. RESOURCE CONSERVATION AREAS (RCA) TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
 10. THERE ARE WETLANDS WITHIN THIS SITE. IT IS THE OWNER'S RESPONSIBILITY FOR WETLANDS JURISDICTION AND DISTURBANCE PRIOR TO ANY GRADING ACTIVITY.
- ### STORMWATER NOTES
1. POST-DEVELOPMENT RUNOFF FLOW LEAVING NEWLY DEVELOPED SITES SHALL NOT EXCEED PRE-DEVELOPMENT PEAK RUNOFF CONDITIONS FOR THE 1-YEAR AND 10-YEAR, 24-HOUR STORM EVENT PEAK FLOWS IN ACCORDANCE WITH THE APEX UDO.



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WEST VILLAGE
KELLY ROAD & OLD US HIGHWAY 1
 APEX, NORTH CAROLINA

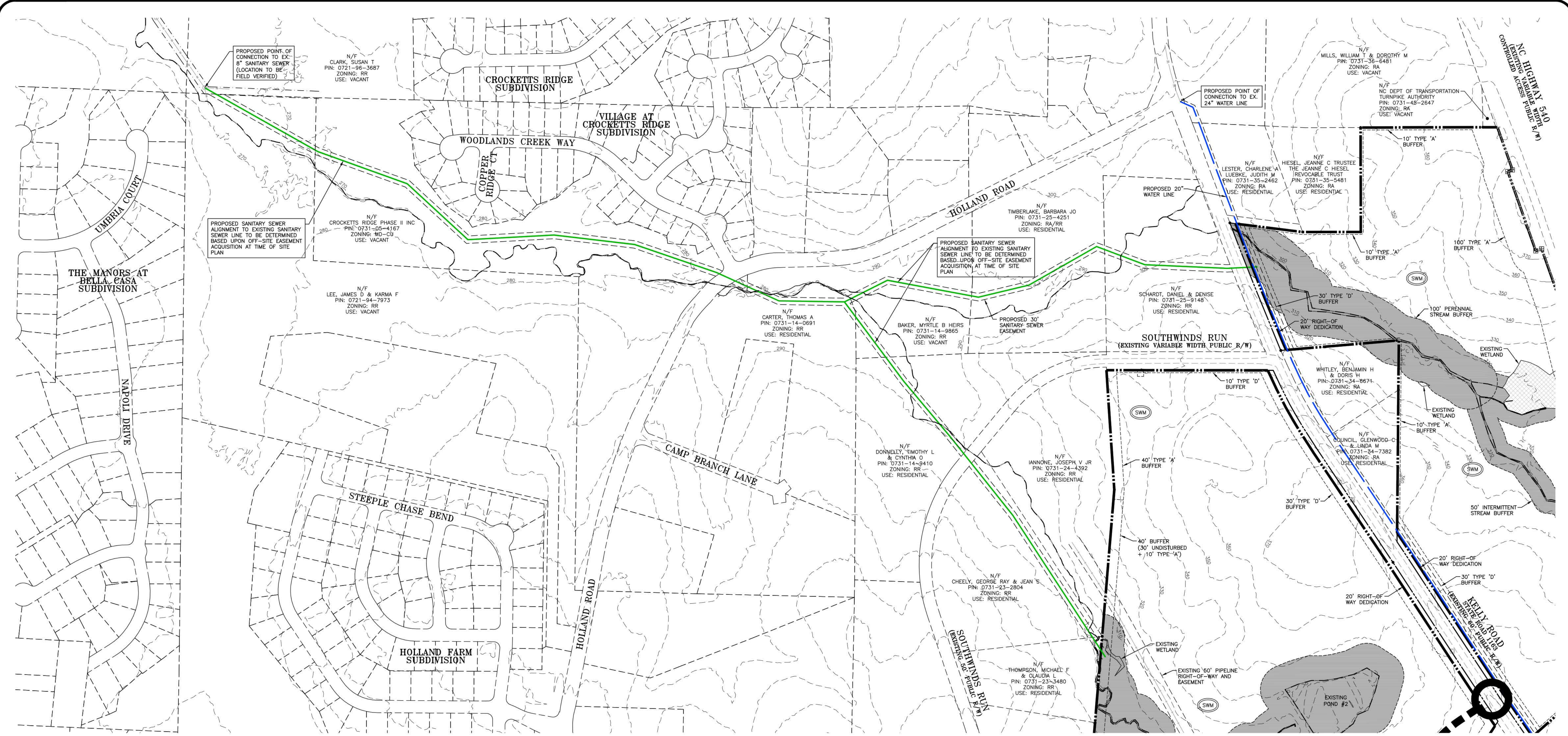
PRELIMINARY UTILITY & STORMWATER MANAGEMENT PLAN

PROJECT NO: ORL-15000
 FILENAME: ORL15000-U1
 DESIGNED BY: RCZ
 DRAWN BY: RLU
 SCALE: 1" = 200'
 DATE: 05-01-2020
 SHEET NO: **C-3**

McADAMS

X:\Projects\ORL-15000\Planning\UD-Resizing\Current Drawings\UD-Resizing\ORL15000-U1.dwg, 6/24/2020 9:17:39 AM, Update, Rich
 X:\Projects\ORL-15000\Planning\UD-Resizing\Current Drawings\UD-Resizing\ORL15000-U1.dwg, 6/24/2020 9:17:39 AM, Update, 1:1

X:\Projects\ORL\ORL-15000\Planning\Current Drawings\ORL15000-U1.dwg, 6/24/2020 9:18:35 AM, Update, Rich



PROPOSED POINT OF CONNECTION TO EX. 8" SANITARY SEWER (LOCATION TO BE FIELD VERIFIED)

N/F CLARK, SUSAN T
PIN: 0721-96-3687
ZONING: RR
USE: VACANT

PROPOSED SANITARY SEWER ALIGNMENT TO EXISTING SANITARY SEWER LINE TO BE DETERMINED BASED UPON OFF-SITE EASEMENT ACQUISITION AT TIME OF SITE PLAN

N/F CROCKETTS RIDGE PHASE II INC
PIN: 0731-05-4167
ZONING: RR
USE: VACANT

PROPOSED SANITARY SEWER ALIGNMENT TO EXISTING SANITARY SEWER LINE TO BE DETERMINED BASED UPON OFF-SITE EASEMENT ACQUISITION AT TIME OF SITE PLAN

N/F TIMBERLAKE, BARBARA JO
PIN: 0731-25-4251
ZONING: RA/RR
USE: RESIDENTIAL

N/F CARTER, THOMAS A
PIN: 0731-14-0691
ZONING: RR
USE: RESIDENTIAL

N/F BAKER, MYRTLE B HEIRS
PIN: 0731-14-9865
ZONING: RR
USE: VACANT

N/F SCHAROT, DANIEL & DENISE
PIN: 0731-25-9148
ZONING: RR
USE: RESIDENTIAL

N/F DONNELLY, TIMOTHY L & CYNTHIA G
PIN: 0731-14-9410
ZONING: RR
USE: RESIDENTIAL

N/F IANNONE, JOSEPH V JR
PIN: 0731-24-4392
ZONING: RR
USE: RESIDENTIAL

N/F CHEELY, GEORGE RAY & JEAN S
PIN: 0731-23-2804
ZONING: RR
USE: RESIDENTIAL

N/F THOMPSON, MICHAEL F & CLAUDIA L
PIN: 0731-23-3480
ZONING: RR
USE: RESIDENTIAL

N/F MILLS, WILLIAM T & DOROTHY M
PIN: 0731-36-6481
ZONING: RA
USE: VACANT

N/C NC DEPT OF TRANSPORTATION TURNPIKE AUTHORITY
PIN: 0731-45-2647
ZONING: RA
USE: VACANT

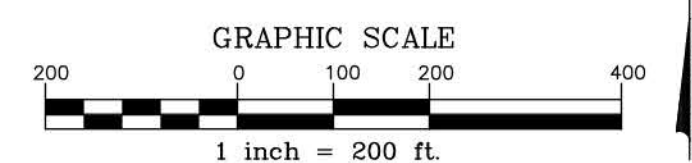
N/F LESTER, CHARLENE A LUEBKE, JUDITH M
PIN: 0731-35-2462
ZONING: RA
USE: RESIDENTIAL

N/F THE JEANNE C HIESEL REVOCABLE TRUST
PIN: 0731-35-5481
ZONING: RA
USE: RESIDENTIAL

N/F WHITLEY, BENJAMIN H & DORIS H
PIN: 0731-34-8574
ZONING: RA
USE: RESIDENTIAL

N/F COUNCIL, GLENWOOD C & LINDA M
PIN: 0731-84-7382
ZONING: RA
USE: RESIDENTIAL

- LEGEND**
- PERENNIAL AND INTERMITTENT STREAM BUFFERS
 - APPROXIMATE LOCATION OF STORM WATER MANAGEMENT FACILITY
 - APPROXIMATE ALIGNMENT OF PROPOSED SANITARY SEWER
 - APPROXIMATE ALIGNMENT OF PROPOSED WATER LINE



THE JOHN R. MCADAMS COMPANY, INC.
2905 Meridian Parkway
Durham, North Carolina 27713
Tel: C-0288
(800) 733-5646 • mcadamsco.com



REVISIONS:

2020-06-12 PER TOWN OF APEX COMMENTS
2020-06-24 PER TOWN OF APEX COMMENTS

DEVELOPER:
STANLEY MARTINHOMES
4020 WESTCHASE BOULEVARD,
SUITE 190
RALEIGH, NC 27607

WEST VILLAGE
KELLY ROAD & OLD US HIGHWAY 1
APEX, NORTH CAROLINA
PRELIMINARY SANITARY SEWER OUTFALL

PROJECT NO:	ORL-15000
FILENAME:	ORL15000-U1
DESIGNED BY:	RCZ
DRAWN BY:	RLU
SCALE:	1" = 200'
DATE:	05-01-2020
SHEET NO.:	C-4



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: #20CZ05 West Village PUD Amendment

Planning Board Meeting Date: July 13, 2020



Report Requirements:

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

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: ±35.36 acres

PIN(s): 0731331798

Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33)

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

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

Town Limits: Within 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: _____



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: #20CZ05 West Village PUD Amendment

Planning Board Meeting Date: July 13, 2020



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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: #20CZ05 West Village PUD Amendment

Planning Board Meeting Date: July 13, 2020



Planning Board Recommendation:

Motion: Motion to recommend approval with conditions as submitted

Introduced by Planning Board member: Mark Steele

Seconded by Planning Board member: Reginald Skinner

- 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:

With 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 6 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 13 day of July 2020.

Attest:

Michael Marks Digitally signed by Michael Marks
Date: 2020.07.14 08:02:15 -04'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2020.07.13 16:43:08 -04'00'

Dianne Khin, Planning Director



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #20CZ05
West Village PUD Amendment

Pursuant to the provisions of North Carolina Statutes Section 160A-364 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant/Authorized Agent: Josh Decker, McAdams Co.
Property Address: 2412 Kelly Road
Acreage: ±35.36 acres
Property Identification Number (PIN): 0731331798
Current 2045 Land Use Map Designation: Medium Density Residential and Mixed Use- High Density Residential/Office Employment/Commercial Services
Existing Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33)
Proposed Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Planning Board Public Hearing Date and Time: July 13, 2020 4:30 PM

If you would like to speak during the public hearing, you may sign-in ahead of time by emailing your name and address to bonnie_brock@apexnc.org.
If you are unable to attend, you may view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. You may share comments by noon on Friday, July 10, 2020, following instructions in the [Remote Participation policy](#). The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit).

Town Council Public Hearing Date and Time: July 21, 2020 6:00 PM

If you are unable to attend, you may view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. You may share comments by noon on Monday, July 20, 2020, following instructions in the [Remote Participation policy](#). The policy includes options to provide comments by email (public.hearing@apexnc.org, 350-word limit) or voicemail (919-372-7300, 3-minute limit).

Vicinity Map:



Property owners within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may appear at the public hearing and be heard with respect to the application. Maps showing the location for the above site(s) to be considered in addition to a copy of the [2045 Land Use Map](#) can be inspected at the Apex Town Hall or call 919-249-3426, Department of Planning and Community Development, for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/31549>.

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

Published Dates: June 26, 2020 – July 21, 2020





TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #20CZ05 West Village PUD Amendment

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

Public Hearing Location: Apex Town Hall
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Council Chambers, 2nd Floor

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

Published Dates: June 26, 2020 – July 21, 2020



Southwinds Run

540

2509

Rezoning #20CZ05

Westwinds

West Village

Kelly Rd
2524

0 500 1,000
Feet

Public Hearing Sign Posted By

Sean J. [Signature]
Signature

6/10/20
Date

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



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: Rezoning 20CZ05 West Village PUD
 Project Location: 2412 Kelly Road
 Applicant or Authorized Agent: Josh Decker
 Firm: McAdams Company

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project **June 26, 2020** a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners within 300' of the land subject to notification. I further certify that I relied on information provided to me by the above-mentioned person as to accuracy and mailing addresses of property owners within 300' of the land subject to notification.

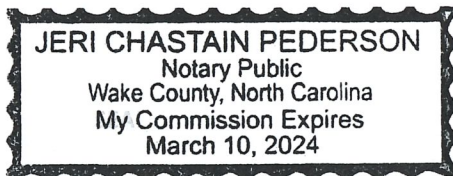
6/26/2020
 Date

Dianne F. Klein
 Director of Planning and Community Development

STATE OF NORTH CAROLINA
 COUNTY OF WAKE

Sworn and subscribed before me, *Jeri Chastain Pederson*, a Notary Public for the above State and County, this the *26* day of *June*, 2020.

Jeri Chastain Pederson
 Notary Public



My Commission Expires: *03 / 10 / 2024*